

EXHIBIT

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1 HC06CRWR677826-JBC-nar

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APR - 6 2006

FRESNO COUNTY SUPERIOR COURT

By _____ DEPUTY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO

CENTRAL DIVISION

In re) No. 06CRWR677826 Dept. 98B
)
SYLVESTER STRONG, SR.,)
) ORDER
Petitioner)
)
On Habeas Corpus.)
)

Having considered the petition for writ of habeas corpus dated March 26, 2006 and filed on March 30, 2006, the court finds that petitioner's assertions are inaccurate and do not justify the requested relief at this time.

Petitioner states that he was sentenced pursuant to a plea agreement to a term of 18 years, he is being unlawfully detained beyond the maximum term, and he should be released immediately. The circumstances of this case are summarized in the Opinion affirming petitioner's judgment issued by the Fifth Appellate District on November 15, 1989. (Also see prior petition 03CRWR676847 and the order issued on October 14, 2003.) Contrary to what petitioner claims, he was sentenced to a term of 15 years to life plus three years for second-degree murder and assault with

1 a deadly weapon. As a "life prisoner," his initial parole hearing
2 was scheduled for September 24, 2001. The Board of Prison Terms
3 subsequently informed this court of parole hearings set in 2002,
4 2003, and 2004. Petitioner has provided no information (such as
5 transcripts and supporting reports) concerning his parole hearings
6 or the reasons parole has repeatedly been denied.

7 For the reasons stated above, further consideration of
8 this matter is not warranted. The petition is denied.

9 DATED this 6th day of APRIL 2006.

10
11 Jonathan B. Conklin
12 JONATHAN B. CONKLIN
13 JUDGE OF THE SUPERIOR COURT

EXHIBIT

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1-6-88

APR 4 1988

FILED

APR - 1 1988

By FRESNO COUNTY CLERK

DEPUTY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO

THE PEOPLE OF THE STATE OF
CALIFORNIA

Vs.

SYLVESTER STRONG,

CASE NUMBERS:

Superior Court 380750-0

Arraignment Date 4-11-88

Municipal Court F012661-0

District Attorney 87S0589

Defendant(s).)

INFORMATION

COUNT ONE

The District Attorney of the County of Fresno hereby accuses SYLVESTER STRONG of committing the following crime at and in the County of Fresno, State of California:

VIOLATION OF SECTION 187 OF THE PENAL CODE, a felony. The said defendant, on or about December 10, 1987, did willfully, unlawfully, and with malice aforethought murder DIANE STRONG, a human being.

It is further alleged that in the commission of the above offense, the said defendant personally used a deadly and dangerous weapon, to wit: a knife, within the meaning of Penal Code Section 12022(b).

COUNT TWO

And the said SYLVESTER STRONG is further accused by the District Attorney of the County of Fresno by this Second Count of this Information of committing the following crime at and in the County of Fresno, State of California:

1 VIOLATION OF SECTION 245(a)(1) OF THE PENAL CODE, a felony.
2 The said defendant, on or about December 10, 1987, did willfully
3 and unlawfully commit an assault upon LAVELLE JONES, with a
4 deadly weapon, to wit: a knife, and by means of force likely to
5 produce great bodily injury.

6 It is further alleged that in the commission of the above
7 offense, the said defendant personally used a deadly and
8 dangerous weapon, to wit: a knife, within the meaning of Penal
9 Code Section 12022(b).

10 COUNT THREE

11 And the said SYLVESTER STRONG is further accused by the
12 District Attorney of the County of Fresno by this Third Count of
13 this Information of committing the following crime at and in the
14 County of Fresno, State of California:

15 VIOLATION OF SECTION 245(a)(1) OF THE PENAL CODE, a felony.
16 The said defendant, on or about July 2, 1987, did willfully and
17 unlawfully commit an assault upon DIANNE STRONG, with a deadly
18 weapon, to wit: a knife, and by means of force likely to
19 produce great bodily injury.

20 It is further alleged that in the commission of the above
21 offense, the said defendant personally used a deadly and
22 dangerous weapon, to wit: a knife, within the meaning of Penal
23 Code Section 12022(b).

24 COUNT FOUR

25 And the said SYLVESTER STRONG is further accused by the
26 District Attorney of the County of Fresno by this Fourth Count
27 of this Information of committing the following crime at and in
28 the County of Fresno, State of California:

1 VIOLATION OF SECTION 245(a)(1) OF THE PENAL CODE, a felony.
2 The said defendant, on or about September 8, 1987, did willfully
3 and unlawfully commit an assault upon DIANNE STRONG, with a
4 deadly weapon, to wit: a knife, and by means of force likely to
5 produce great bodily injury.

6 It is further alleged that in the commission of the above
7 offense, the said defendant personally used a deadly and
8 dangerous weapon, to wit: a knife, within the meaning of Penal
9 Code Section 12022(b).

10 COUNT FIVE

11 And the said SYLVESTER STRONG is further accused by the
12 District Attorney of the County of Fresno by this Fifth Count of
13 this Information of committing the following crime at and in the
14 County of Fresno, State of California:

15 VIOLATION OF SECTION 245(a)(1) OF THE PENAL CODE, a felony.
16 The said defendant, on or about July of 1987, to on or about
17 December of 1987, did willfully and unlawfully commit an assault
18 upon DIANNE STRONG, with a deadly weapon, to wit: gasoline, and
19 by means of force likely to produce great bodily injury.

20 EDWARD W. HUNT
21 District Attorney for
22 the County of Fresno,
23 State of California

24 by *Gary J. Haff*
25 *chief Deputy District attorney*
26 for DENNIS J. COOPER
27 Senior Deputy District Attorney

28 The foregoing instrument is a correct
copy of the original on file in this
office

ATTEST: OCT 25 1988

GALEN LARSON, County Clerk
State of California, County of Fresno



EXHIBIT

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*File 11/29/87
DA9287
FD*

**COURT OF APPEAL
FIFTH APPELLATE DISTRICT**
NOT TO BE PUBLISHED IN OFFICIAL REPORTS **FILED**
NOV 15 1989

IN THE COURT OF APPEAL OF THE STATE OF **CALIFORNIA** **KEVIN A. SWANSON**, Clerk
FIFTH APPELLATE DISTRICT **By** _____ Deputy

THE PEOPLE,)
Plaintiff and Respondent,)
v.)
SYLVESTER STRONG, SR.,)
Defendant and Appellant.)

)

No. F011515
(Super. Ct. No. 380750-0)
O P I N I O N

THE COURT*

APPEAL from a judgment of the Superior Court of Fresno
County. Mario Olmos, Judge.

Andrew French Loomis, under appointment by the Court of
Appeal, for Defendant and Appellant.

John K. Van de Kamp, Attorney General, Richard B.
Iglehart, Chief Assistant Attorney General, Arnold O. Overoye,
Senior Assistant Attorney General, W. Scott Thorpe and Clayton S.
Tanaka, Deputy Attorneys General, for Plaintiff and Respondent.

* * *

Strong pled guilty to second degree murder (Pen. Code,
§ 187)^{1/} and assault with a deadly weapon (§245, subd. (a)(1)). He

^{1/} All statutory references are to the California Penal Code;
all rule references are to the California Rules of Court.

*Before Best, Acting P.J., Stone (W.A.), J., and Baxter, J.

admitted having used a deadly weapon in the commission of both crimes (§ 12022, subd. (b)). The plea bargain provided for dismissal of three other counts of assault with a deadly weapon, the prosecutor reserving the right to comment at sentencing.

Strong was sentenced to prison for 15 years to life on the murder plus a consecutive three-year middle base term on the assault. On this appeal from the judgment, he contends that the sentencing judge erred in 1) relying on facts pertaining to the dismissed assault counts; 2) finding that the crimes involved separate victims; and 3) ignoring "several statutory circumstances in mitigation."

Sentencing occurred October 21, 1988. The judge had read and considered a probation officer's report (RPO) dated October 12, 1988, together with numerous letters. The instant crimes occurred on December 10, 1987, when Strong broke into the house of his ex-wife, Diana, stabbed her to death, and cut Lavelle Jones, a man who was on the premises. The instant crimes culminated a series of violent crimes by Strong against Diana.

- 1) He was convicted of battery based on a January 1987 incident in which he slapped her face.
- 2) He was convicted of corporal injury on his spouse based on a February 1987 incident in which he struck her in the face with his fist numerous times.
- 3) In July 1987 Diana told police that he had swung a knife at her, inflicting a scratch, and struck her on the lip and shoulder with his fist.
- 4) In September 1987 she told police that he cut her with a knife, after she tried to defend herself with a knife during a fist fight.
- 5) Finally, their five-year-old son testified to an

incident in the last half of 1987 in which Strong poured gasoline on Diana. Incidents 3), 4), and 5) formed the basis for the three assault counts dismissed pursuant to plea bargain in the instant case.

In a letter to the court, Strong's counsel argued for concurrent terms. According to counsel, his client hoped to reconcile with Diana. On December 10, his mother and sister told him Diana had been by their house to visit them. Sorry that he had missed her and wanting to discuss reconciliation, he got a ride to her house. When he arrived he saw Jones's truck parked in front. He knew Jones and his reputation "as a man who played around with married women." When he was not admitted upon knocking, he became enraged. He killed Diana and injured Jones because of this rage. Counsel reasoned that "the court should impose a concurrent sentence for the assault on Mr. Jones because this assault occurred due to a situation that is highly unlikely to reoccur. Mr. Jones was not the object of Mr. Strong's anger. Mr. Strong was frustrated, hurt, and angry because of the break up [sic] of his marriage. Dianne [sic] Strong's tragic death terminates the cause of Mr. Strong's anger making it unlikely that there will be a reoccurrence [sic] of this type of violence from Mr. Strong."

At sentencing Strong's counsel reprised this argument for concurrent terms. Counsel acknowledged the obvious: his client's violent conduct pattern made him a serious danger to his wife. He denied that this pattern showed any danger to society at large. Counsel reasoned that "all his problems revolved around the breakup of his marriage that I think he will freely admit were due to his abuse of the substance of cocaine."

After listening to lengthy comments from both counsel, the judge denied probation. The judge then analyzed the case as follows:

"And in reviewing the factors that have been cited for reasons for imposition of the consecutive terms in this case, I think that -- and I might add, those are different and distinct from those that are cited for the imposition of the aggravated term in this case. The criteria for the aggravated term in this report are the -- that the defendant's prior convictions are increasingly serious, he was on probation at the time he committed the offense.

"I think we've already cited the factors in mitigation, that he voluntarily acknowledged wrongdoing, he was having -- had a history of cocaine use; apparently not known to some people, but I think that history is apparent.

"But aside from the -- those factors in aggravation, there are two very distinct and important factors that I think justify the imposition of the consecutive terms in this case, is obviously separate acts of violence and separate victims. I think Mr. Dreiling addressed it in his letter. However, the fact remains that Mr. Jones was injured, sustained injury by attempting to come to the assistance of the victim in this case. And I think Mr. Cooper in his letter outlines what the evidence would have shown at a trial; that is, that the fatal injury, the fatal knife cut to the jugular was inside the residence after the body -- after Mr. Strong took the victim back into the house, and after the contact with Mr. Jones and the injury of Mr. Jones.

"And equally as important is the pattern of violent conduct, which I think does indicate a danger to society. Certainly Mr. Jones found that to be the case. But the dismissed counts indicate prior incidents of violent behavior involving a knife by Mr. Strong against the victim. They all involve a pattern of attempting to seek funds from the victim to support his cocaine habit. Perhaps there was a mixture of other motives, perhaps his desire to reconcile with her, but I think the contention is that on this incident of the killing, that that was done out of a sense of outrage and perhaps passion that Mr. Lavelle Jones was viewed as a possible suitor of the victim, but I don't think it's a -- I think that pattern is consistent with the other incidents."

Harvey Error

In People v. Harvey (1979) 25 Cal.3d 754, our Supreme Court held that "Implicit in such a plea bargain [providing for the dismissal of a count in consideration of a defendant's agreement to plead guilty to other counts], we think, is the understanding (in the absence of any contrary agreement) that defendant will suffer no adverse sentencing consequences by reason of the facts underlying, and solely pertaining to, the dismissed count." (*Id.*, at p. 758.) Strong contends that the sentencing judge violated Harvey when he considered the facts underlying the three dismissed assaults. He reasons that "the prosecution's unilateral reservation of a right to comment on the dismissed counts is not sufficient" to show an explicit waiver of the defendant's Harvey rights.

This argument is totally devoid of merit. During the guilty plea proceedings, the prosecutor summarized in detail the plea bargain, including the following: "In return for the defendant's pleas and admissions regarding those two counts [the murder and the assault on Jones], the People are prepared to move to dismiss Counts 3, 4, and 5 of the Information and the enhancement appended to Counts 3 and 4 while reserving the right to comment on those three counts" The judge then summarized the background of the plea bargain negotiations. Asked for comment, Strong's counsel stated that "the agreement as stated by the Court and counsel is as I understand it." The court then added "I would concur with [the prosecutor's] comments."

The record undermines any claim that the prosecutor's reservation of a right to comment on the dismissed counts was a unilateral statement not binding on the defense. Rather, the right to comment was one of the terms of the plea bargain, as summarized by the prosecutor and as confirmed by defense counsel. We reject Strong's contention that this term, as stated by the prosecutor, was ambiguous. The only reasonable meaning was that the prosecutor could comment on and the sentencing judge could consider the facts underlying the dismissed counts. A right to comment on dismissed counts would be completely worthless unless it included the right to have the comments considered by the sentencing judge. In short, the instant record shows the "contrary agreement" required by People v. Harvey.

"Separate Victims"

Strong contends that, in finding that the crimes involved "separate victims," the judge erroneously invoked rule 425(a)(4), "Any of the crimes involved multiple victims." Respondent concedes that the judge erred. Both the contention and the concession are wrong.

As the quoted passage reveals, the judge found that "aside from the . . . factors in aggravation [cited in the RPO], there are two very distinct and important factors that I think justify the imposition of the consecutive terms" The judge then cited "obviously separate acts of violence and separate victims," explaining his reasoning. The judge continued, "And equally as important is the pattern of violent conduct, which I think does indicate a danger to society." Thus, the two distinct factors were

1) separate acts of violence and separate victims and 2) pattern of violent conduct.

Contrary to the parties, the judge did not find that either the murder or the assault involved multiple victims. Rather, the judge found that the murder and assault involved separate violent acts committed against separate victims, Diana and Jones. The commission of separate acts of violence supports consecutive terms, without regard to the number of victims (rule 425(a)(2)). The judge could find additional relevance in the fact that these separate acts here were committed against two different persons (rule 408(a), (court may consider "additional criteria reasonably related to the decision being made")).

Mitigating Factors

Finally, Strong argues that the judge failed to consider as mitigating factors supporting concurrent terms 1) that the crimes resulted from a single course of conduct; 2) that they occurred at the same time and place; and 3) that "they were not likely to recur since they arose from the breakup of [Strong's] marriage." In the technical world of determinate sentencing, factors 1) and 2) are not "Circumstances in Mitigation" under rule 423, but instead are "Criteria Affecting Concurrent or Consecutive Sentences" under rule 425(a)(1) and (3). This being the case, the judge's failure to mention them in referring to "factors in mitigation" does not show that he failed to consider these factors or to give them any weight.

Factor 3) invokes rule 423(a)(3), "The crime was committed because of an unusual circumstance, such as great provocation,

which is unlikely to recur." According to Strong, the "unusual circumstance" was the breakup of his marriage. We cannot agree that a defendant's domestic problems mitigate a year-long, course of violent conduct, such as occurred here. Strong's domestic problems and his violence against Diana long predated December 10, 1987. By the time that he finally murdered her, there was nothing unusual about his domestic problems or his resorting to violence. His violent course of conduct against Diana necessarily stopped with her murder. It is outrageous to suggest that Strong derives some mitigating benefit from carrying his violence to the ultimate crime. (Cf. People v. Boerner (1981) 120 Cal.App.3d 506, 510, fn. 4 (contention that victims' illegal alien status mitigated robbery was "outrageous").)

The judgment is affirmed.

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NOV 28 1989

RECORDS OFFICE
TOLSON STATE PRISON

EXHIBIT

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1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 IN AND FOR THE COUNTY OF FRESNO

3 Before the Honorable Mario G. Olmos, Judge

4 Department Six

FILED

5 -000- SEP 14 1988

6 THE PEOPLE OF THE STATE) FRESNO COUNTY CLERK
7 OF CALIFORNIA,) By *John F. Edens* DEPUTY

8 Plaintiff,) No. 380750-0

9 vs.) CHANGE OF PLEA

10 SYLVESTER STRONG,)

11 Defendant.)

12 -000-

13 Fresno, California

September 12, 1988

14 REPORTER'S TRANSCRIPT

15 -000-

16 A P P E A R A N C E S:

17 FOR THE PEOPLE:

EDWARD W. HUNT, District
Attorney of Fresno County
BY: DENNIS COOPER
Deputy District Attorney

18 FOR THE DEFENDANT:

JOSE VILLARREAL, Public
Defender of Fresno County
BY: CHARLES DREILING
Deputy Public Defender

19 -000-

20 Reported by:

21 MICHAELYN J. MANN, C.S.R./RPR
22 CERTIFICATE NUMBER 4292

23 . 7118
24
25
26

1 SEPTEMBER 12, 1988

2 THE COURT: At this time, I'll call case number
3 380750-0, matter of Sylvester Strong.

4 MR. COOPER: Dennis Cooper for the People, Your Honor.

5 MR. DREILING: Charles Dreiling for Mr. Strong, who is
6 present in court in custody, Your Honor.

7 MR. COOPER: Your Honor, in this matter, the People are
8 prepared to accept certain pleas from the defendant. To be
9 more specific, the People are prepared to accept a plea of
10 guilty to Count 1 as second degree murder, and an admission
11 of the enhancement pursuant to Penal Code Section
12 12022 (b). Also, a plea of guilty to Count 2 of the
13 Information, and an admission of the enhancement to Count 2,
14 also pursuant to Penal Code Section 12022 sub (b).

15 In return for the defendant's pleas and admissions
16 regarding those two counts, the People are prepared to move
17 to dismiss Counts 3, 4 and 5 of the Information and the
18 enhancement appended to Counts 3 and 4 while reserving the
19 right to comment on those three counts, and also while
20 reserving the right to comment on two other incidents which
21 were at one time part of proceedings in the municipal court
22 of Fresno County. I do not have municipal court action
23 numbers for them, but I do have District Attorney file
24 numbers for them, one of them being DA number 87 M 02704,
25 and 87 M 04835. The People's motions to dismiss those
26 counts would be made hopefully without prejudice to

1 reinstate those counts until such time as the judgment and
2 sentencing concerning this matter would become final.

3 THE COURT: All right. The record should reflect this
4 matter was called this morning off the master trial calendar
5 for assignment for jury trial. And I believe there were
6 discussions initiated by Mr. Dreiling on behalf of Mr.
7 Strong about the possibility of a resolution of this matter
8 short of a jury trial.

9 The record should reflect that I spoke to Mr. Dreiling
10 and Mr. Cooper this morning and briefly this afternoon
11 outside the presence of the Court Reporter, discussed the
12 case, the background of the case. And the record should
13 reflect that I handled a motion to sever in this case, so I
14 was aware of much of the background of the case because of
15 the issues raised at the time of the motion to sever. I
16 believe there may have been an accompanying motion. But I
17 just recall specifically the motion to sever.

18 And from those discussions, it appeared to the Court
19 that counsel were not in disagreement regarding what the
20 probable outcome would be in this case. And that's, I
21 think, reflected in the People's offer. Mr. Dreiling
22 advised the Court further of the -- certain background
23 information about Mr. Strong, circumstances of this
24 particular killing.

25 And it was my position that based on that background,
26 and the likely disposition, likely outcome by way of jury,

1 that the Court could for a plea at this point put a midterm
2 lid on the second count, the 245 subparagraph (a),
3 subparagraph (1) and stay the two enhancements, and that
4 that would not be an unlikely -- or that would not be a
5 substantial difference from what the likely outcome of a
6 jury trial would be in any case.

7 In fact, there might be some benefit to Mr. Strong by
8 way of the enhancements, that -- if those were established,
9 then realistically, I think, there might be an additional
10 two-year penalty imposed. But the Court was willing to give
11 Mr. Strong the benefit of that in return for his plea. I
12 think the possibility in this case is that there might be an
13 aggravated term imposed on Count 2. However, that would be
14 -- that would be, I think a situation that is not as likely
15 as a midterm. And I'm not sure what the Probation
16 Department would do in light of the remaining counts if the
17 conviction were obtained by the People.

18 But I think the most likely outcome is the one I
19 described, and essentially, I would be giving Mr. Strong the
20 benefit of the doubt on the two enhancements, and that if
21 the People's offer, while standing -- my understanding is
22 that I would impose a midterm lid on Count 2 and also
23 condition a stay on the two enhancements in return for the
24 plea.

25 MR. COOPER: If I may, Your Honor. Pursuant to 1192.7,
26 the People's offer specifying Count 1 as second degree

1 murder is extended because although there does exist some
2 evidence consistent with first degree murder, and there --
3 and for that reason, there is some evidence from which a
4 jury might return a verdict of first degree murder, the
5 evidence clearly and perhaps even more than is required
6 would make out the elements of second degree murder and I --
7 the plaintiff's position is that with confidence, we feel a
8 jury would return a verdict of guilty concerning second
9 degree murder. We see that for these evidentiary reasons,
10 this disposition is a reasonable one with respect to
11 Count 1.

12 And concerning the -- Counts 3 through 5, and
13 considering the workings of Penal Code Section 1170.1, I
14 believe it is, the plaintiff sees no substantial difference
15 in sentencing should the defendant be convicted of those
16 three counts. The plaintiff is -- although while not
17 endorsing or joining in or modifying the offer in accordance
18 with the specifics the Court has just outlined, the
19 plaintiff does not choose to withdraw the dispositional
20 offer because the specifics as the Court laid out do not
21 amount to a substantial net change and expected or possible
22 sentencing from the original dispositional offer. And the
23 plaintiff is in those respects relying on a great likelihood
24 of a consecutive sentence with respect to Count 2. Thank
25 you.

26 THE COURT: Mr. Dreiling?

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1 MR. DREILING: Your Honor, that -- the agreement as
2 stated by the Court and counsel is as I understand it.

3 THE COURT: Yes. And I would concur with Mr. Cooper's
4 comments. I think they reflect not only resolving the
5 position, but the matters we discussed previously. And I
6 would not be entertaining this particular plea but for the
7 matters stated before on the record by Mr. Cooper, that in
8 fact, this is a matter that a jury more likely than not
9 would return a verdict on Count 1 as a second degree. And
10 the People made an offer with regard to all counts because
11 of the reasons stated by Mr. Cooper. And it's unlikely that
12 the matters would come back as consecutive, I think, on
13 Counts 3 through 5. And that more likely, those factors
14 would be used as a means of imposing a midterm or aggravated
15 term with regard to Count 2.

16 And -- so Mr. Dreiling, is your -- is Mr. Strong ready
17 to proceed with the plea on those conditions, the conditions
18 outlined by Mr. Cooper with regard to the offer and the
19 Court's indication that it would put a midterm lid on Count
20 2 and stay any penalties on the one-year enhancement?

21 MR. DREILING: Yes, Your Honor. Based on the
22 conditions as stated by the Court and counsel, we are ready
23 to proceed with the withdrawal of the previously-entered
24 plea of not guilty and entering new and different pleas of
25 guilty to Counts 1 and 2.

26 THE COURT: Is that correct, Mr. Strong?

1 DEFENDANT STRONG: Yes.

2 THE COURT: Other than the conditions that have just
3 been set out here on the record, and you understand, Mr.
4 Strong, I indicated I talked to both your attorney and to
5 Mr. Cooper earlier. You were not present, there was no
6 court reporter present, unlike the lady who is taking down
7 everything this morning. But I believe we've set forth all
8 those discussions here on the record now with regard to what
9 we have discussed. I just wanted to make sure that you were
10 aware that we had discussed these. And you were not
11 present, there's no record of that. But it's my practice
12 when we have those occasions to set those matters on the
13 record in your presence, like we've done here this morning
14 -- I mean this afternoon.

15 And I believe we -- Mr. Dreiling, is there anything
16 else that we have discussed that's not --

17 MR. DREILING: I don't believe so, Your Honor.

18 THE COURT: Mr. Cooper, is there anything we have
19 discussed that is not part of the record now?

20 MR. COOPER: No, Your Honor.

21 THE COURT: Mr. Strong, you understand your case was
22 called this morning for purposes of assignment of your case
23 to a jury for a decision by a jury as to your guilt or
24 innocence of the charges set forth in the Information.

25 DEFENDANT STRONG: Yes, I understand that.

26 THE COURT: And do you understand that if the Court

1 takes a plea from you, either guilty or a plea of no
2 contest, which would be the same as far as this court is
3 concerned for all purposes, that you would be giving up your
4 right to a jury trial in this case?

5 DEFENDANT STRONG: Yes, I understand that also.

6 THE COURT: And do you understand a jury to be 12
7 citizens of the community selected at random who would
8 listen to the evidence presented in your case? They would
9 also receive instructions of law from the judge who was
10 assigned the case, and all 12 members of the jury would have
11 to decide and agree as to your guilt beyond a reasonable
12 doubt and to a moral certainty before you could be found
13 guilty of a charge. Do you understand by pleading guilty,
14 you give up your right to a jury trial?

15 DEFENDANT STRONG: Yes, I do.

16 THE COURT: Do you give up your right to a jury trial?

17 DEFENDANT STRONG: Yes.

18 THE COURT: Do you understand that you also have the
19 right to have a trial before a judge who would hear and
20 decide your case without a jury? Do you understand by
21 entering a plea of guilty or no contest, you would be giving
22 up your right to a court trial?

23 DEFENDANT STRONG: Yes, I do.

24 THE COURT: Do you give up your right to a trial before
25 a judge?

26 DEFENDANT STRONG: Yes, I do.

1 THE COURT: You also have the right to cross-examine
2 and confront all witnesses who testify against you; that is
3 to see and hear and have your attorney question any and all
4 witnesses who testify against you. Do you understand that
5 by entering a plea of either guilty or no contest, you give
6 up your right to confront such witnesses?

7 DEFENDANT STRONG: Yes, I do.

8 THE COURT: Do you give up your right to confront such
9 witnesses?

10 DEFENDANT STRONG: Yes.

11 THE COURT: You also have the right to have the Court
12 order any witnesses to appear on your own behalf and testify
13 in your behalf in this case at no cost to you. Do you
14 understand by entering a plea of guilty or no contest, you
15 give up the right to compel the attendance of such
16 witnesses?

17 DEFENDANT STRONG: Yes, I do.

18 THE COURT: Do you give up the right to compel the
19 attendance of such witnesses?

20 DEFENDANT STRONG: Yes.

21 THE COURT: You also have the right to present evidence
22 in your own behalf in defense of the charges that have been
23 filed against you. Do you understand by entering a plea of
24 guilty, you give up this right also?

25 DEFENDANT STRONG: Yes.

26 THE COURT: Do you give up your right to present

1 evidence in your own behalf?

2 DEFENDANT STRONG: Yes.

3 THE COURT: You also have the privilege against
4 self-incrimination; that is, you have the right to remain
5 silent, that you cannot be forced or coerced or made to
6 testify if you do not wish to do so, that at no time do you
7 have to testify in order to prove your innocence or to
8 disprove the charges against you. The burden is on the
9 District Attorney represented here by Mr. Cooper to prove
10 your guilt beyond a reasonable doubt. You have absolutely
11 no burdens -- you have no burden whatsoever in this case.

12 DEFENDANT STRONG: Yes.

13 THE COURT: Also, if you decide to exercise your right
14 to remain silent and not testify, you have the further right
15 not to have your silence commented upon or used against you
16 in any way by the prosecutor. Do you understand that?

17 DEFENDANT STRONG: Yes, I do.

18 THE COURT: You also have the right to testify in your
19 own behalf. But by pleading guilty, you give up that
20 right. Do you understand that?

21 DEFENDANT STRONG: Yes.

22 THE COURT: Do you understand that as a result of this
23 -- by giving up this privilege, that by pleading guilty, you
24 give up this right, you admit the commission of the crimes
25 charged, thereby incriminating yourself?

26 DEFENDANT STRONG: Yes, I do.

1 THE COURT: Do you give up your right against
2 self-incrimination?

3 DEFENDANT STRONG: Yes.

4 THE COURT: Do you have any questions about the rights
5 you've just given up?

6 DEFENDANT STRONG: No, I don't.

7 THE COURT: Has your attorney explained each of these
8 rights to you?

9 DEFENDANT STRONG: Yes.

10 THE COURT: Are you giving up these rights freely and
11 voluntarily?

12 DEFENDANT STRONG: Yes.

13 THE COURT: Do you have any questions about the charges
14 filed against you in this case?

15 DEFENDANT STRONG: No, I don't.

16 THE COURT: Do you understand by entering this plea,
17 you are -- you have given up all of your rights, there won't
18 be any trial and you won't have any right to appeal?

19 DEFENDANT STRONG: Yes, I do.

20 THE COURT: With regard to the factual basis, how do
21 counsel wish to proceed with that?

22 MR. DREILING: Your Honor, perhaps I'll make a brief
23 statement.

24 THE COURT: All right. Would counsel stipulate to the
25 use of the preliminary hearing transcript in addition to the
26 statement?

1 MR. DREILING: Yes, Your Honor, I'd offer to stipulate
2 that the preliminary hearing transcript contains a factual
3 basis supporting the pleas.

4 THE COURT: Would you join in that?

5 MR. COOPER: Yes, I would. And I'd encourage the Court
6 to make that part of the factual basis.

7 THE COURT: I'll so incorporate that. But in addition
8 to that, Mr. Dreiling, could you make either a statement or
9 summarize the testimony presented at the preliminary hearing
10 that would support the plea in this case.

11 MR. DREILING: The testimony at the preliminary hearing
12 was that on December the 10th of last year, 1987, Mr. Strong
13 went to the home of his former wife and there, uh, broke
14 through the front door and entered that home, and inside
15 that home, uh, slashed at a Mr. Lavelle Jones with a knife,
16 causing him to be cut slightly on the hand, and ultimately
17 caused his wife to be stabbed with a knife, and she
18 subsequently died.

19 THE COURT: Mr. Cooper, is that a correct summary of
20 the preliminary hearing testimony, or is there any other
21 matter you wish to add at this point?

22 MR. COOPER: Well, Your Honor, it is somewhat general,
23 but with the knowledge that the Court would also consider
24 the preliminary hearing transcript, I'm satisfied.

25 THE COURT: All right. Do you understand that, Mr.
26 Strong?

1 DEFENDANT STRONG: Yes, I do.

2 THE COURT: And you understand that's the preliminary
3 hearing transcript, that testimony presented at that
4 hearing, plus the statement that was made by your attorney
5 is going to be used by the Court to determine that in fact
6 you are the person who committed the offense set forth in
7 the Information with regard to Count 1 and Count 2.

8 DEFENDANT STRONG: I understand that.

9 THE COURT: That would be the information the Court
10 would rely on to support your plea to those two counts.

11 DEFENDANT STRONG: Yes.

12 THE COURT: And with regard to Count 1, you understand
13 that Count 1 as murder in the second degree carries a state
14 prison term of 15 years to life.

15 DEFENDANT STRONG: Yes, I understand that.

16 THE COURT: And that the enhancement alleged in the
17 Information for Count 1, that you personally used a deadly
18 and dangerous weapon, to wit, a knife, within the meaning of
19 Penal Code Section 12022 subparagraph (b), carries an
20 additional one-year enhancement; in other words, an
21 additional one-year term.

22 DEFENDANT STRONG: Yes.

23 THE COURT: With regard to Count 2, that's also a
24 felony, violation of section 245, subparagraph 1 (a),
25 subparagraph 1 of the Penal Code, that you on or about that
26 same date, December 10th, did willfully and unlawfully

1 commit an assault upon Lavelle Jones with a deadly weapon,
2 to-wit, a knife, that felony carries a minimum state prison
3 term of two years, a midterm of three, a maximum of four and
4 in addition to that, a fine of 10,000 dollars. Do you
5 understand that?

6 DEFENDANT STRONG: Yes.

7 THE COURT: And that the enhancement alleged in that
8 count that you personally used a deadly and dangerous
9 weapon, to-wit, a knife, within the meaning of Penal Code
10 Section 12022 subparagraph (b) would carry an additional
11 one-year term. Do you understand that?

12 DEFENDANT STRONG: Yes.

13 THE COURT: As a further consequence of your plea of
14 guilty, you are advised that if you are not a citizen of the
15 United States, you may be deported, excluded from admission
16 to the United States or be denied naturalization pursuant to
17 the laws of the United States. Do you understand that's a
18 possible consequence if you are not a citizen of the United
19 States?

20 DEFENDANT STRONG: Yes, I do.

21 THE COURT: As a further consequence of your plea of
22 guilty, you are advised you could be placed on parole for a
23 period of time after your release from state prison.

24 DEFENDANT STRONG: Yes.

25 THE COURT: And I believe for second degree, it's seven
26 years.

1 MR. COOPER: For life, Your Honor.

2 THE COURT: It's life? You may be right.

3 MR. COOPER: Was the Court dealing with the possible
4 term of parole?

5 THE COURT: Yes.

6 MR. COOPER: It's my understanding --

7 THE COURT: Yes, just for the term of parole.

8 MR. COOPER: Could we approach the bench on that,
9 Judge?

10 THE COURT: Yes.

11 (Discussion held at bench among counsel
12 and the Court; not reported.)

13 THE COURT: I just found Penal Code Section 3000.1, and
14 it reads as follows:

15 "In the case of any inmate sentenced under
16 Section 1168 for any offense of first or second
17 degree with a maximum term of life imprisonment,
18 the period of parole, if parole is granted, shall
19 be for the remainder of the inmate's life."

20 So you understand a lifetime parole, that would be the
21 possible consequence with regard to Count 1.

22 DEFENDANT STRONG: Yes.

23 THE COURT: And Mr. Strong, I've been advised that you
24 are not currently on probation or parole, but if you were on
25 probation or parole, that your plea of guilty may be the
26 basis for a revocation of your parole or probation and be

1 used to find you in violation of your parole or probation
2 and that you could then be sentenced to the maximum time in
3 custody either in jail or state prison for any time which
4 you are currently on probation or parole. Do you understand
5 that would be a further consequence?

6 DEFENDANT STRONG: Yes, I do.

7 THE COURT: Has anyone threatened you or your family or
8 friends in order to get you to plead guilty or no contest?

9 DEFENDANT STRONG: No.

10 THE COURT: Is your plea freely and voluntarily made?

11 DEFENDANT STRONG: Yes.

12 THE COURT: Other than the statements made here by your
13 attorney, the District Attorney and myself with regard to
14 the conditions, have any other promises been made in order
15 to get you to change your plea?

16 DEFENDANT STRONG: No.

17 THE COURT: So you understand you're looking at a
18 possible prison term of 15 years to life on Count 1.

19 DEFENDANT STRONG: Right.

20 THE COURT: And the additional one-year enhancement for
21 the use of a knife would be stayed. And with Count 2,
22 there's been no determination yet of -- with regard to
23 whether or not that will be concurrent or consecutive, but
24 that could result in an additional four-year term. The
25 Court's already made a commitment that you would serve,
26 however, no more than three years. That could be in

1 addition to the 15 year to life term that could be imposed
2 on Count 1. Do you understand that?

3 DEFENDANT STRONG: Yes. So what would the total be?

4 THE COURT: You understand what the sentencing -- what
5 the law requires is that on the determinate sentence for
6 Count 2, the assault with a deadly weapon, that that would
7 be a term that would be served -- could be served
8 consecutive to and prior to any indeterminate term. So that
9 basically, the Court would impose a three-year midterm,
10 that's the promise that it's making and that the one-year
11 enhancement would be stayed, and that would be served first,
12 and it could be served consecutive to the indeterminate term
13 of 15 years to life. So that what you could be looking at
14 is 18 years to life. Do you understand that?

15 DEFENDANT STRONG: Yes, I do.

16 THE COURT: With regard to -- I know it wasn't
17 discussed, we haven't discussed it before, but on the issue
18 of probation, have you discussed that with Mr. Strong?

19 MR. DREILING: No.

20 THE COURT: Do you want to indicate for the record what
21 -- what position there is with regard to the issue of a
22 grant of probation in this case?

23 MR. DREILING: I don't believe there's any issue
24 concerning probation, Your Honor.

25 THE COURT: Well, that's what I want to get on the
26 record, that that has not been discussed or mentioned to Mr.

1 Strong, that that's not an issue.

2 MR. DREILING: It's not an issue in this case.

3 THE COURT: Mr. Strong, do you understand, Mr. Strong,
4 that this is a state prison term, there's not going to be
5 any -- the -- well, you did not discuss that at all with
6 him?

7 MR. DREILING: No. I didn't discuss probation.

8 THE COURT: Because I think the record should reflect
9 whether or not that -- whether a state prison term is the
10 only term that is --

11 MR. DREILING: I suppose theoretically, probation would
12 be available for Count 2. But it's moot by Count 1.

13 THE COURT: Mr. Cooper?

14 MR. COOPER: Your Honor, could we come to the bench?

15 THE COURT: Yes.

16 (Discussion held at bench among counsel and
17 the Court; not reported.)

18 THE COURT: Mr. Strong, I think we should place on the
19 record the conversation I've just had with your attorney and
20 with Mr. Cooper. And that is with regard to the -- even
21 though there's no statutory prohibition against a grant of
22 probation, do you understand that in this case, as a
23 practical matter, you're looking at a state prison term, a
24 state prison term within the parameters that I described
25 earlier.

26 DEFENDANT STRONG: Yes, I understand.

1 THE COURT: So any hope, desire, expressed or
2 unexpressed regarding a grant of probation are not
3 realistic. I want you to be aware of that.

4 DEFENDANT STRONG: I understand that.

5 THE COURT: All right. Mr. Strong, have you told your
6 attorney all the facts and circumstances that are known to
7 you about this case?

8 DEFENDANT STRONG: Yes, I have.

9 THE COURT: Have you had sufficient time to talk to
10 your attorney about the facts and circumstances of this
11 case?

12 DEFENDANT STRONG: Yes.

13 THE COURT: And Mr. Dreiling, have you had sufficient
14 time to talk to Mr. Strong about this case?

15 MR. DREILING: Yes, I have, Your Honor.

16 THE COURT: Mr. Dreiling, do you join in your client's
17 waiver of his right to a jury trial, right to appeal?

18 MR. DREILING: Yes.

19 THE COURT: His right to confront and cross-examine
20 witnesses?

21 MR. DREILING: Yes.

22 THE COURT: And his privilege against
23 self-incrimination?

24 MR. DREILING: Yes, I do.

25 THE COURT: Do you consent to his pleas as set forth
26 earlier this afternoon?

1 MR. DREILING: Yes.

2 THE COURT: Is there anything else before the Court
3 takes a plea from Mr. Strong?

4 MR. COOPER: I have nothing, Your Honor.

5 THE COURT: Permission to withdraw the
6 previously-entered pleas of not guilty to all charges is
7 granted; the plea is hereby withdrawn.

8 The Court finds that Mr. Strong is in full possession
9 of his faculties, understands the nature of these
10 proceedings, the consequences of his plea, and that he
11 understands all of his rights and knowingly and
12 intelligently gives them up.

13 Mr. Strong, with regard to Count 1 alleging a violation
14 of Section 187 of the Penal Code, that you on or about
15 December 10th, 1987 did willfully and unlawfully and with
16 malice -- that should be amended. I was wondering with
17 regard to the enhancements, perhaps I ought to go through
18 that with him, too.

19 Mr. Strong, you understand that the jury, in addition
20 to any charge in this case, will be required to make a
21 finding of whether or not you in fact used a knife with
22 regard to each of the counts in which those are alleged.
23 And do you understand that the jury must make those findings
24 by proof beyond a reasonable doubt also?

25 DEFENDANT STRONG: Yes, I understand that.

26 THE COURT: And I'm going to be asking you whether or

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1 not you admit using a knife, and they carry the same rights
2 that I've previously indicated with regard to the underlying
3 charge, that is, a charge of murder and the charge of
4 assault with a deadly weapon. And you understand you would
5 have all the same rights I previously have explained with
6 regard to those enhancements as well as to the same rights
7 that you have to those charges that are set forth in the
8 Information. Do you understand that?

9 DEFENDANT STRONG: Yes.

10 THE COURT: And that by admitting the violations, you
11 would be giving up all those rights with regard to those
12 charges and to the enhancements, and you would be making the
13 same admission, if you will, as you would in your plea to
14 the underlying charges. Do you understand that?

15 DEFENDANT STRONG: Yes.

16 THE COURT: With regard to the charge set forth in the
17 Information in Count 1, murder in the second degree, what is
18 your plea, Mr. Strong, guilty or not guilty or no contest?

19 DEFENDANT STRONG: No contest.

20 THE COURT: And do you understand, Mr. Strong, as far
21 as this court is concerned and for all purposes, the plea of
22 no contest is the same as a guilty plea?

23 DEFENDANT STRONG: Yes, I do.

24 THE COURT: And with regard to the enhancement that's
25 alleged that you personally used a deadly and dangerous
26 weapon, to-wit, a knife, do you admit or deny that

1 before the Court.

2 THE COURT: Those are the two misdemeanor matters, the
3 conviction and the filing? Are those --

4 MR. COOPER: Yes, Your Honor, as I specified with the
5 DA numbers earlier.

6 THE COURT: All right. It's ordered that the
7 defendant's pleas and waiver of constitutional rights be
8 accepted and entered in the minutes of this court.

9 The Court Reporter is to prepare, certify and file a
10 transcript of these proceedings.

11 The Court will order that a probation officer's report
12 be prepared and served on the parties on or before October
13 2nd, 1988. And the hearing on the report and recommendation
14 of the probation office and imposition of sentence will be
15 29 days from today. 28 days falls on a court holiday.
16 That's October 10th. So the next date is October 11th,
17 Tuesday, 8:30. I don't believe we require a time waiver.

18 MR. COOPER: Your Honor, I'd request that the
19 sentencing hearing actually occur on any day after
20 the 18th or any day prior to the 4th inasmuch as I
21 will not be in the jurisdiction during the -- between
22 the 4th and the 18th.

23 THE COURT: All right. Do you want to set -- the
24 Probation Department is very much overloaded. I'd like to
25 set it -- if Mr. Cooper is not going to be here until
26 October 18th.

1 MR. COOPER: Actually, the 19th would be the first day
2 I would be on the job.

3 THE COURT: Do you want to do that that week?

4 MR. DREILING: That's fine, Your Honor.

5 THE COURT: Why don't we do this. We'll make that
6 October 21st. That's a Friday, 8:30.

7 MR. COOPER: That's fine.

8 THE COURT: In this department. Mr. Strong, you're
9 entitled to have your hearing on the report and
10 recommendation of the probation office and imposition
11 of sentence within 28 days from today. By setting it
12 on the 21st of October, that's going to take us beyond
13 that 28-day period of time. It requires your agreement
14 and consent. Do you agree to having your hearing on
15 the report and recommendation of the probation office
16 and imposition of sentence on Friday, October 21st,
17 8:30 in this department?

18 DEFENDANT STRONG: Yes.

19 THE COURT: Anything else before we recess on this
20 matter?

21 MR. DREILING: No.

22 MR. COOPER: No, Your Honor.

23 THE COURT: All right, we'll recess.

24 Mr. Strong will be remanded to custody.

25 I'll return -- Mr. Cooper, is this your information or
26 Mr. Dreiling's?

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1 enhancement?

2 DEFENDANT STRONG: I admit that.

3 THE COURT: With regard to Count 2, that alleges a
4 violation of Section 245 (a) subparagraph (1), that you did
5 willfully and unlawfully commit an assault upon Lavelle
6 Jones with a deadly weapon, to-wit, a knife, and with means
7 likely to produce great bodily injury.

8 DEFENDANT STRONG: Yes.

9 THE COURT: Do you admit or deny that -- I'm sorry.
10 What is your plea, guilty or not guilty or no contest?

11 DEFENDANT STRONG: No contest.

12 THE COURT: With regards to the enhancement set forth
13 in Count 2, that you personally used a dangerous and deadly
14 weapon, to-wit, a knife, do you admit or deny that
15 enhancement?

16 DEFENDANT STRONG: I admit the knife.

17 THE COURT: People have a motion with regard to Counts
18 3, 4 and 5?

19 MR. COOPER: Yes, Your Honor, to dismiss in light of
20 the pleas that have just been entered with the reservations
21 that I expressed earlier on the record, both as to right to
22 comment and as to the dismissal being without prejudice
23 until the judgment and sentence should become final.

24 THE COURT: Correct.

25 MR. COOPER: And the reservation of the right of the
26 other two incidents which are not part of the Information

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1 MR. COOPER: "Not mine, Your Honor.

2 THE COURT: Mr. Dreiling, I'll return this to you.

3 (Proceedings concluded.)

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1 STATE OF CALIFORNIA) ss.

2)

3 COUNTY OF FRESNO)

4

5 I, MICHAELYN J. MANN, Certified Shorthand Reporter, do
6 hereby certify that the foregoing pages numbered 2 through
7 25, inclusive, comprise a full, true and correct transcript
8 of my shorthand notes and a full, true and correct statement
9 of the proceedings held in the afore-mentioned matter.

10

11 DATED: September 13, 1988

12 Fresno, California.

13

14

15



MICHAELYN J. MANN, C.S.R.
CERTIFICATE NUMBER 4292
OFFICIAL SHORTHAND REPORTER

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EXHIBIT

5

SUBSEQUENT PAROLE CONSIDERATION HEARING
STATE OF CALIFORNIA
BOARD OF PAROLE HEARINGS

In the matter of the Life)
Term Parole Consideration)
Hearing of:) CDC Number D-99287
SYLVESTER STRONG)
-----)

**INMATE
COPY**

CORRECTIONAL TRAINING FACILITY
SOLEDAD, CALIFORNIA

MAY 31, 2006

4:37 P.M.

**PENDING REVIEW
AND APPROVAL**

PANEL PRESENT:

PHILIP INGLEE, Presiding Commissioner
MS. MOORE, Deputy Commissioner

OTHERS PRESENT:

SYLVESTER STRONG, Inmate
DEJON LEWIS, Attorney for Inmate
CORRECTIONAL OFFICER(S), Unidentified

CORRECTIONS TO THE DECISION HAVE BEEN MADE

----- No See Review of Hearing
----- Yes Transcript Memorandum

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1

PROCEEDINGS

2 **DEPUTY COMMISSIONER MOORE:** -- the record
3 at 4:37.

4 **INMATE STRONG:** How are you doing?

5 **DEPUTY COMMISSIONER MOORE:** Very well.

6 **PRESIDING COMMISSIONER INGLEE:** This is a
7 Subsequent Parole Consideration Hearing. It's
8 for Sylvester Strong, S-T-R-O-N-G, D-99287.
9 Today's date is May the 31st, 2006, the time, as
10 previously noted is 4:37. We are located at CFT
11 (sic) Soledad. The inmate was received on 11/2
12 of 1988. He was committed from Fresno County.
13 The life term began on 11/2/1988; the inmate's
14 minimum eligible parole date was 12/10 of 1999.
15 The controlling offense for which the inmate had
16 been committed is set forth in case number
17 3807500. Charged in count one, murder second
18 degree, assault with a deadly weapon, in this
19 case a knife, Penal Code Section 187 and
20 245(a)(1). The terms was 18 years to life, five
21 years, excuse me, 15 years base, 3 years added
22 to for the use of a knife.

23 **DEPUTY COMMISSIONER MOORE:** Actually the
24 three years added was for the ADW, assault with
25 intent to do great bodily injury, I believe for
26 the second victim. The 187 then the 245.

27 **PRESIDING COMMISSIONER INGLEE:** Okay.

1 DEPUTY COMMISSIONER MOORE: My read on
2 the abstract of judgment.

3 PRESIDING COMMISSIONER INGLEE: All
4 right. Why don't we go for just a short recess.

5 DEPUTY COMMISSIONER MOORE: Okay.

6 (Off the record.)

7 DEPUTY COMMISSIONER MOORE: We're back on
8 the record.

9 PRESIDING COMMISSIONER INGLEE: Okay.

10 And the inmate received a term of 18 years to
11 life. Fifteen years being the base and then the
12 second charge three years. Which would be run
13 consecutively with the original, with the three
14 year charge going first. Now you had a
15 question.

16 **ATTORNEY LEWIS:** If I could direct you to
17 the court's judgment, not the abstract of
18 judgment. On page five --

19 DEPUTY COMMISSIONER MOORE: What court
20 judgment?

21 **ATTORNEY LEWIS:** It's in the legal
22 documents.

23 DEPUTY COMMISSIONER MOORE: You're
24 talking about the sentencing document?

25 ATTORNEY LEWIS: Yes.

26 DEPUTY COMMISSIONER MOORE: On page five?

27 **ATTORNEY LEWIS:** The (overlapping) and

1 judgment.

2 **DEPUTY COMMISSIONER MOORE:** What line?

3 **ATTORNEY LEWIS:** Page 5 lines 15 through
4 20. And on page 22.

5 **DEPUTY COMMISSIONER MOORE:** The use of
6 the word enhancement?

7 **ATTORNEY LEWIS:** No. My client was
8 sentenced to -- He took a plea bargain for an 18
9 year lid. And somehow, somewhere in the
10 documents life got tacked on. This was not the
11 agreement that he and the DA had. Where is the
12 incentive for him to take a life term? He took
13 an 18 year lid. It's mentioned in this judgment
14 twice. An 18 year lid on page 5 lines 15
15 through 20. And then on page 22 there's a
16 maximum term of 18 years on line 14 right there.
17 This is a subject that he has going on in the
18 court but we were hoping that we could use this
19 venue today to show that there has been a
20 mistake made on the abstract on judgment which
21 has just carried on year after year after year.

22 **DEPUTY COMMISSIONER MOORE:** If I may ask
23 specifically, what is the error you believe
24 exists on the abstract of judgment?

25 **ATTORNEY LEWIS:** Well it says 18 to life
26 when he didn't accept that deal. He accepted an
27 18 year lid.

1 **DEPUTY COMMISSIONER MOORE:** What is the
2 difference?

3 **ATTORNEY LEWIS:** Eighteen to life, 18
4 year lid, meaning that he was only to do up to
5 18 years, not life.

6 **DEPUTY COMMISSIONER MOORE:** If I may,
7 Commissioner?

8 **PRESIDING COMMISSIONER INGLEE:** You mean
9 like a determinate sentence?

10 **ATTORNEY LEWIS:** Yes.

11 **PRESIDING COMMISSIONER INGLEE:** Sure, go
12 ahead.

13 **DEPUTY COMMISSIONER MOORE:** If I may.

14 **ATTORNEY LEWIS:** I mean, if I'm lacking
15 information please --

16 **DEPUTY COMMISSIONER MOORE:** You are.

17 **ATTORNEY LEWIS:** Okay.

18 **DEPUTY COMMISSIONER MOORE:** One, the
19 appeal, it was not brought up on appeal. They
20 reviewed it under the *Harvey* case. There were
21 multiple victims and several different aspects
22 of the plea bargain that were developed and
23 ruled on and affirmed by the Appellate Court.
24 This is an indeterminate sentence. On a murder
25 you cannot receive determinate time. Any appeal
26 on this matter should have taken place and had
27 to be timely in 1987 or after. To bring it up

1 now is inappropriate. The sentence has been --
2 For each of Mr. Strong's hearing dates it has
3 been the same throughout. It would not be an
4 appropriate time to bring up any concerns
5 regarding that. The sentence was 15 years to
6 life plus three years for the assault with
7 intent to do great bodily injury on victim
8 Jones. The remaining charges were dismissed,
9 the remaining three charges and the
10 enhancements.

11 **ATTORNEY LEWIS:** The reason I'm bringing
12 it up, because, you know, I'm pretty learned
13 when it comes to the English language. And if
14 it says to me, a maximum term of 18 years, and I
15 don't see life there or with enhancements, and
16 this was the motivation for him taking the plea
17 agreement in the first place, I thought that I
18 was compelled to bring it up here today.
19 Because this is a life hearing. He shouldn't
20 even be doing life.

21 **DEPUTY COMMISSIONER MOORE:** On page 5
22 lines 17 through 20 it indicates, "So it would
23 be the court placed an 18 year lid on this in
24 return for Mr. Strong's plea to second degree
25 murder, which has been offered by the people."
26 I think counsel, based on your experience and my
27 experience and this panel's experience, the only

1 sentence existing in California at the time that
2 this plea was entered is 15 to life for second
3 degree murder. There were a number of
4 enhancements that could have been added for
5 weapons and multiple charges that could have
6 been added and were not.

7 **PRESIDING COMMISSIONER INGLEE:** Let me,
8 let me --

9 **ATTORNEY LEWIS:** I understand that but
10 that's not what I read, Commissioner.

11 **PRESIDING COMMISSIONER INGLEE:** All
12 right, let me. We're getting off, I believe --

13 **ATTORNEY LEWIS:** Absolutely.

14 **PRESIDING COMMISSIONER INGLEE:** -- into
15 an area which has nothing to do with a parole
16 hearing. Your client may have objections. He
17 may even have a basis for an appeal. But this
18 is not the forum for it.

19 **ATTORNEY LEWIS:** I understood that from
20 the very beginning but I thought I'd bring it to
21 your attention.

22 **PRESIDING COMMISSIONER INGLEE:** No,
23 that's fine, that's fine, but we need to move
24 ahead.

25 **ATTORNEY LEWIS:** Absolutely.

26 **PRESIDING COMMISSIONER INGLEE:** And we
27 need to give this man a parole hearing and

1 that's what we intend to do.

2 **ATTORNEY LEWIS:** All right.

3 **PRESIDING COMMISSIONER INGLEE:** In my
4 concern over wanting to be sure that I had the
5 correct verbiage on here because of the nature
6 of this crime and how many different aspects of
7 the crime there is to review. I was given some
8 direction by my Deputy Commissioner, which led
9 us then into other fields of interest that go, I
10 think, well beyond what we can or are expected
11 to do at this hearing.

12 **ATTORNEY LEWIS:** I understand.

13 **PRESIDING COMMISSIONER INGLEE:** All
14 right. So we're going to move on now. This
15 hearing is being tape-recorded. And for the
16 purpose of voice identification each of us will
17 be required to state our first and last name,
18 spelling our last name. When it comes to the
19 inmate's turn you will spell your last name and
20 state your CDC number. Starting with myself my
21 name is Philip Inglee, that's I-N-G-L-E-E, I'm a
22 Commissioner.

23 **DEPUTY COMMISSIONER MOORE:** Deputy
24 Commissioner Moore, M-O-O-R-E, with the Board of
25 Parole Hearings.

26 **ATTORNEY LEWIS:** DeJon Lewis, L-E-W-I-S,
27 attorney for Mr. Strong.

1 **INMATE STRONG:** My name is Sylvester
2 Strong. My number is D-99287.

3 **PRESIDING COMMISSIONER INGLEE:** And spell
4 your last name, please.

5 **INMATE STRONG:** S-T-R-O-N-G.

6 **PRESIDING COMMISSIONER INGLEE:** All
7 right, thank you. Mr. Strong, in front of you
8 is an ADA statement. I'd like to have you read
9 that if you would, please.

10 **INMATE STRONG:** "The Americans
11 with Disabilities Act, ADA, is a
12 law to help peoples with
13 disabilities. Disabilities are
14 problems that make it harder for
15 some peoples to see, hear,
16 breathe, talk, walk, learn, think,
17 work, or take care of themselves
18 than it is for others. Nobody can
19 be kept out of public places or
20 activities because of a
21 disability. If a disability has
22 -- If you have a disability you
23 have the right to ask for help to
24 get ready for your BPT Hearing,
25 get to the hearing, talk, read
26 forms and papers and understand
27 the hearing process. The BPT will

1 look at what you ask for to make
2 sure that you have a disability
3 that is covered by the ADA and
4 that you have asked for the right
5 kind of help. If you do not get
6 help or if you don't think you got
7 the kind of help you need, ask for
8 a BPT 1074 Grievance Form. You
9 can also get help to fill it out."

10 **PRESIDING COMMISSIONER INGLEE:** Did you
11 understand what you read?

12 **INMATE STRONG:** Yes sir.

13 **PRESIDING COMMISSIONER INGLEE:** Very
14 good. This record reflects that you signed a
15 BPT Form 1073. You signed that on 7/12 of 2005.
16 At that time you said you did not need any help
17 for your parole hearing. Is that still true
18 today?

19 **INMATE STRONG:** Yes sir.

20 **PRESIDING COMMISSIONER INGLEE:** Do you
21 have any problems walking up and down stairs or
22 for a distance of 100 yards or more?

23 **INMATE STRONG:** No sir.

24 **PRESIDING COMMISSIONER INGLEE:** Do you
25 need glasses or a magnifying glass in order to
26 see or read documents?

27 **INMATE STRONG:** I use reading glasses.

1 **PRESIDING COMMISSIONER INGLEE:** Are they
2 adequate for today's hearing?

3 **INMATE STRONG:** Yes sir.

4 **PRESIDING COMMISSIONER INGLEE:** Good. Do
5 you have any hearing impairments?

6 **INMATE STRONG:** No.

7 **PRESIDING COMMISSIONER INGLEE:** Have you
8 ever been included in the CCCMS or EOP program?

9 **INMATE STRONG:** No sir.

10 **PRESIDING COMMISSIONER INGLEE:** Are you
11 familiar with these programs?

12 **INMATE STRONG:** I heard of them.

13 **PRESIDING COMMISSIONER INGLEE:** They are
14 for inmates that have either emotional problems
15 or mental illness and they will have programs
16 specifically keyed for their benefit. Have you
17 ever participated or been part of any program
18 such as this?

19 **INMATE STRONG:** No sir.

20 **PRESIDING COMMISSIONER INGLEE:** Have you
21 ever taken psychotropic medication, either in
22 prison or on the street?

23 **INMATE STRONG:** No sir.

24 **PRESIDING COMMISSIONER INGLEE:** How far
25 did you go in school before you arrived in
26 prison?

27 **INMATE STRONG:** Twelfth grade.

1 **PRESIDING COMMISSIONER INGLEE:** Did you
2 graduate?

3 **INMATE STRONG:** Yes sir. Washington
4 Union High School.

5 **PRESIDING COMMISSIONER INGLEE:** Good.
6 Have you taken, did you take any special
7 education classes while you were growing up?

8 **INMATE STRONG:** No sir.

9 **PRESIDING COMMISSIONER INGLEE:** Do you
10 suffer from any disability that would prevent
11 you from participating in today's hearing?

12 **INMATE STRONG:** No sir.

13 **PRESIDING COMMISSIONER INGLEE:** All
14 right. Counsel, do you have any comments or
15 concerns regarding the ADA rights of your
16 client?

17 **ATTORNEY LEWIS:** No I do not.

18 **PRESIDING COMMISSIONER INGLEE:** This
19 hearing is being conducted pursuant to Penal
20 Code Sections 3041, 3042 and the rules and
21 regulations of the Board of Prison Terms
22 governing parole consideration hearings for life
23 inmates. The purpose of today's hearing is to
24 consider your suitability for parole. In doing
25 so we will consider the nature and number of the
26 crimes you were committed for, your prior
27 criminal and social history and your behavior

1 and programming since your commitment. We have
2 had an opportunity to review your Central File
3 and your prior hearing transcript. You'll be
4 given the opportunity to correct or clarify the
5 record. We will consider your progress since
6 your commitment and since your last hearing.
7 Your updated counselor's report and
8 psychological report will also be considered.
9 Any change in parole plans should be brought to
10 our attention. We will reach a decision today
11 and inform you whether or not we find you
12 suitable for parole and the reasons for our
13 decision. If you are found suitable for parole
14 the length of your confinement will be explained
15 to you. The hearing will be conducted in two
16 phases. I will discuss with you the crime that
17 you were committed for, your prior criminal and
18 social history, your parole plans and any
19 letters of support and opposition that may be in
20 file. Deputy Commissioner Moore will discuss
21 with you your progress since your commitment,
22 your counselor's report and your psychological
23 evaluation. Once that is concluded your
24 attorney will be given an opportunity to ask you
25 questions and also the Commissioners. The
26 questions from -- I'll skip through that, we
27 don't have a district attorney with us today.

1 Before we recess for deliberations your
2 attorney, and you will be given an opportunity
3 to make a final statement regarding your parole
4 suitability. Your statement should be directed
5 as to why you feel you are suitable for parole.
6 We will then recess and clear the room for our
7 deliberations. Once we have completed our
8 deliberations we will resume the hearing and
9 announce our decision. The California Code of
10 Regulations states that regardless of time
11 served a life inmate shall be found unsuitable
12 for and denied parole if in the judgment of the
13 panel the inmate would pose an unreasonable risk
14 of danger to society if released from prison.
15 You have certain rights. These rights include
16 the right to a timely notice of this hearing,
17 the right to review your Central File and the
18 right to present relevant documents. Counsel,
19 has your inmate's rights been met in this
20 regard?

21 **ATTORNEY LEWIS:** Yes they have.

22 **PRESIDING COMMISSIONER INGLEE:** You also
23 have the right to be heard by an impartial
24 panel. Sir, o you have any objection to any
25 member of this panel?

26 **INMATE STRONG:** No sir.

27 **PRESIDING COMMISSIONER INGLEE:** Counsel,

1 do you have any objections to any member of the
2 panel?

3 **ATTORNEY LEWIS:** No.

4 **PRESIDING COMMISSIONER INGLEE:**

5 Mr. Strong, you will receive a copy of our
6 written tentative decision today. That decision
7 is subject to review by the Decision Review Unit
8 and by the entire Board meeting as a body. It
9 will become effective within 120 days. It is
10 also subject to review by the Governor. A copy
11 of the tentative decision and a copy of the
12 transcript will be sent to you. As of May 1st,
13 2004 there were major changes limiting your
14 former rights to appeal Board decisions or
15 actions directly to the Board. The old Board
16 regulations were repealed. The current policy
17 is entitled Administrative Appeals
18 Correspondence and Grievances Concerning Board
19 of Prison Terms Decisions. It is available in
20 the prison library for your review. We are not
21 here to -- You are not required to admit your
22 offense or discuss your offense if you do not
23 wish to do so. However, this panel does accept
24 as true the finding of the court and you are
25 invited to discuss the facts and circumstances
26 of the offense if you so desire. The Board will
27 review and consider any prior statements you

1 Before we recess for deliberations you
2 attorney, and you will be given an opportunity
3 to make a final statement regarding your parole
4 suitability. Your statement should be directed
5 as to why you feel you are suitable for parole.
6 We will then recess and clear the room for our
7 deliberations. Once we have completed our
8 announcement our decision. The California Code of
9 regulations states that regardless of time
10 served a life inmate shall be found unsuitable
11 for and denied parole if in the judgment of the
12 panel the inmate would pose an unreasonable risk
13 of danger to society if released from prison.
14 You have certain rights. These rights include
15 the right to a timely notice of this hearing,
16 the right to review your central file and the
17 right to present relevant documents. Counsel,
18 has your inmate's rights been met in this
19 regard?
20 Attorney Lewis: Yes they have.
21 PRESIDING COMMISSIONER INGLE: You also
22 have the right to be heard by an impartial
23 have the right to be heard by an impartial
24 panel. Sir, do you have any objection to any
25 member of this panel?
26 INMATE STRONG: No sir.
27 PRESIDING COMMISSIONER INGLE: Counsel,

1 have made regarding the offense in determining
2 your suitability for parole. Deputy
3 Commissioner, is there any confidential material
4 in the file, and if so, will it be used today?

5 **DEPUTY COMMISSIONER MOORE:** There is no
6 confidential material.

7 **PRESIDING COMMISSIONER INGLEE:** All
8 right. I have passed a hearing checklist marked
9 Exhibit One on to your attorney so we will all
10 be proceeding with the same set of documents.
11 Counsel, do you have all your documents?

12 **ATTORNEY LEWIS:** I do sir.

13 **PRESIDING COMMISSIONER INGLEE:** Okay.
14 Are there any additional documents to be
15 submitted?

16 **ATTORNEY LEWIS:** No.

17 **PRESIDING COMMISSIONER INGLEE:** Are there
18 any preliminary objections?

19 **ATTORNEY LEWIS:** None.

20 **PRESIDING COMMISSIONER INGLEE:** Will the
21 inmate be speaking to the panel?

22 **ATTORNEY LEWIS:** Yes he will be.

23 **PRESIDING COMMISSIONER INGLEE:** Will he
24 be speaking on all subjects?

25 **INMATE STRONG:** Yes I will. As you just
26 stated -- (alarm sounding)

27 **DEPUTY COMMISSIONER MOORE:** It's a test.

1 **PRESIDING COMMISSIONER INGLEE:** All
2 right, go ahead. I want to be sure you're going
3 to be on the transcript.

4 **INMATE STRONG:** Okay. As you just
5 stated, you take the court's finding to be true,
6 as well as I do too. There's few things that --
7 I'll talk about the case but there might be
8 something today that I haven't said previously
9 that I might want to say today concerning the
10 case.

11 **PRESIDING COMMISSIONER INGLEE:** All
12 right. That's your option, obviously, it's your
13 right to do so. If you have any objection or
14 any concern just let us know. With that in mind
15 I will swear you in now, please raise your right
16 hand. Do you solemnly swear or affirm that the
17 testimony you give in this hearing will be the
18 truth, the whole truth and nothing but the
19 truth?

20 **INMATE STRONG:** Yes sir I do.

21 **PRESIDING COMMISSIONER INGLEE:** Thank
22 you. Counsel, if there is no objection we will
23 incorporate by reference the Statement of Fact.
24 And that is going to come not from the Appellate
25 Decision, because that is a very poor rendering
26 of the Statement of Fact. I am going to use the
27 probation officer's report pages two through

1 five.

2 **ATTORNEY LEWIS:** That will be fine.

3 **PRESIDING COMMISSIONER INGLEE:** That ↗
4 gives a complete rendering of the situation.

5 All right, Mr. Strong.

6 **INMATE STRONG:** Yes sir.

7 **PRESIDING COMMISSIONER INGLEE:** Tell us
8 what happened.

9 **INMATE STRONG:** On December the 10th,
10 1987 I went to my wife's house, Diana Strong,
11 and I forced my way in. I didn't have no
12 business being there because we was going
13 through a divorce. In short, I ended up, she
14 ended up getting stabbed and she lost her life
15 by the cost of my hands.

16 **PRESIDING COMMISSIONER INGLEE:** Okay.

17 You made it sound almost like a third person. ↗
18 But you are, you are saying you were the
19 responsible party.

20 **INMATE STRONG:** Yes sir.

21 **PRESIDING COMMISSIONER INGLEE:** In her
22 death.

23 **INMATE STRONG:** Yes sir.

24 **PRESIDING COMMISSIONER INGLEE:** All
25 right. All right. How do you feel about it?

26 **INMATE STRONG:** I was with Diana from the
27 time she was 19 to the time she was 30. We had

1 a good lifestyle. We had a good lifestyle. We
2 had, I guess what you would say what the
3 American Dream was, the house, the cars, good
4 jobs. And somewhere along the line I guess I
5 got too confident in myself and I started using
6 cocaine. And that was -- That started the
7 destruction of our family right there by me
8 using cocaine. And everything after that just
9 went to the waysides as far as I was concerned.
10 I lost -- Now that I look back, I lost self-
11 respect for myself. I just got caught up in it.

12 **PRESIDING COMMISSIONER INGLEE:** Can you
13 tell us about the actual killing? I mean, I
14 know that you've already said you stabbed her
15 and she died from that action.

16 **INMATE STRONG:** Right.

17 **PRESIDING COMMISSIONER INGLEE:** But can
18 you tell us about what actually happened that
19 day.

20 **INMATE STRONG:** Well previously I had
21 called her and we was talking on the phone. And
22 we was going through a divorce and there was a
23 property settlement. I was waiting for my
24 property settlement from her. So when I talked
25 to her I asked her about it. And somehow it got
26 twisted around it was about money. But in fact
27 I hadn't been at -- I was living with my mother

1 for two months and me and her had been talking
2 on the phone prior to that. And that day,
3 December the 10th of '87 she came over to my
4 mother's house and dropped off the insurance
5 policy. And I found that she was over there and
6 I called her and I told her I was coming over.
7 When I went over there I saw the gardener's
8 truck there. And I knocked on the door and they
9 wouldn't let me in and I kicked the door in and
10 I went in.

11 **PRESIDING COMMISSIONER INGLEE:** Stop and
12 hold your thought for a second. Did you have a
13 knife with you at the time?

14 **INMATE STRONG:** That's Mr. Jones version
15 and that's what I said I wanted to discuss
16 today. Because I agreed to that based upon the
17 DA telling me about the plea bargain. But in
18 fact that knife came off the refrigerator. I
19 never had the knife when entering the house.
20 And I never had the courage to say it in front
21 of the Board until today because it just keep on
22 -- My understanding when I took the plea
23 bargain, that I wouldn't have a life sentence.
24 I know I pleaded guilty to second-degree murder
25 but in return they told me they put an 18 year
26 lid on it. And so I keep finding out after
27 hearing after hearing, they keep telling me I

1 have 18 to life. Today I have the courage to
2 say that that was the DA's version. I never had
3 a chance to tell my -- I never was put on the
4 witness stand and told my version. That was
5 Mr. Jones' version about me coming through the
6 door with the knife.

7 **PRESIDING COMMISSIONER INGLEE:** This is
8 the gardener?

9 **INMATE STRONG:** Yes sir.

10 **PRESIDING COMMISSIONER INGLEE:** Let me
11 ask you a question. You've been in prison for a
12 long time.

13 **INMATE STRONG:** I know.

14 **PRESIDING COMMISSIONER INGLEE:** You're
15 heard -- These discussions have gone on from the
16 moment you, when the case was over, when your
17 trial was over.

18 **INMATE STRONG:** I never went to trial,
19 sir.

20 **ATTORNEY LEWIS:** He took a plea.

21 **PRESIDING COMMISSIONER INGLEE:** You took
22 a -- I'm sorry. But there was adjudication
23 though. I mean, you heard what you were being
24 charged with.

25 **INMATE STRONG:** Yeah, but at that time I
26 was --

27 **PRESIDING COMMISSIONER INGLEE:** That's

1 what I'm referring to.

2 **INMATE STRONG:** Yeah. At that time I
3 was, at that time I wasn't in the right state of
4 mind. And what the counselor, my counselor,
5 whatever he told me I went along with and I
6 believed him. But then as I said, each time I
7 keep coming to these hearings and I keep hearing
8 18 to life, that wasn't the term that I pleaded
9 to.

10 **PRESIDING COMMISSIONER INGLEE:** But you
11 have had all these years where this has been
12 used. Have you appealed this?

13 **INMATE STRONG:**Appealed it no, I'm
14 telling you now.

15 **PRESIDING COMMISSIONER INGLEE:** Well this
16 is not, we're not the appeal process.

17 **INMATE STRONG:** Right, right.

18 **PRESIDING COMMISSIONER INGLEE:** I don't
19 mind you saying it.

20 **INMATE STRONG:** Yeah, yeah.

21 **PRESIDING COMMISSIONER INGLEE:** I
22 sincerely don't mind you saying it. But we are
23 not the forum to necessarily get that turned
24 around.

25 **INMATE STRONG:** I understand that. But I
26 haven't even had the courage to say it in here.

27 **PRESIDING COMMISSIONER INGLEE:** I don't

1 understand, the courage. You seem like a rather
2 -- You seem like a man who would speak his mind.

3 **INMATE STRONG:** Yeah, to a degree. But I
4 never have. I just went along with the flow.
5 And that's the only discrepancy I have in the
6 statement.

7 **PRESIDING COMMISSIONER INGLEE:** Well your
8 minimum eligible parole date is 1999.

9 **INMATE STRONG:** Yes it was.

10 **PRESIDING COMMISSIONER INGLEE:** That in
11 itself is not necessarily all end all but it at
12 least gives you a marker. But when 1999 rolled
13 past and things kept on going on did it not
14 occur to you at the time that something was
15 amiss?

16 **INMATE STRONG:** Oh yes it did. But
17 again, I just, I didn't have the courage to say
18 it in front of, in here or nowhere. I just
19 didn't.

20 **PRESIDING COMMISSIONER INGLEE:** Okay, go
21 ahead. So you came in. And what you're telling
22 us today is that you took a knife off the
23 refrigerator.

24 **INMATE STRONG:** Yes sir, that's where the
25 weapon came from, the refrigerator. When I
26 first entered the house. Like I say, when I
27 entered the house I asked Mr. Jones, was he in

1 there, excuse me ma'am, are you in there fucking
2 my wife?

3 **PRESIDING COMMISSIONER INGLEE:** Whatever
4 you have to say here to explain what really
5 happened.

6 **INMATE STRONG:** Yeah, yeah.

7 **PRESIDING COMMISSIONER INGLEE:** You're
8 not going to be hurting anyone's feelings, I can
9 assure you.

10 **INMATE STRONG:** Okay. And he said --

11 **PRESIDING COMMISSIONER INGLEE:** I can't
12 speak for you but I'm sure that's the case.

13 **INMATE STRONG:** And he said, he said he
14 wasn't so I asked him to leave. So I stood up
15 in front of the refrigerator. As he passed me
16 Mr. Jones struck me and I went down. When I
17 went down and I came back up, that's when I
18 reached up on top of the refrigerator and
19 grabbed the knife.

20 **PRESIDING COMMISSIONER INGLEE:** How large
21 a man was Mr. Jones?

22 **INMATE STRONG:** He was a little larger
23 than I was, you know. And that's when the
24 struggle started.

25 **PRESIDING COMMISSIONER INGLEE:** Well,
26 you're right. I'll read through the summary of
27 the crime, and this is a short summary. It

1 states down here:

2 "Sylvester knocked at the door.

3 Diane would not open the door

4 because she had a restraining

5 order and Sylvester wasn't

6 supposed to be on the premises.

7 Sylvester became upset and broke

8 down the front door, broke the

9 front door open. He had a knife

10 in his right hand."

11 Mr. Jones said the prisoner accused him of going

12 with his wife and said:

13 "Bitch, I'm going to kill you.

14 Diane took off running but

15 Sylvester grabbed her with the

16 left hand and started hitting her

17 with his right hand with the knife

18 still in his hand."

19 At that point Mr. Jones started to leave. So ✓

20 what's written down here is basically what

21 you're refuting at this time, is that correct?

22 **INMATE STRONG:** The only thing I'm

23 refuting is that I came through the door with

24 the knife.

25 **PRESIDING COMMISSIONER INGLEE:** Well it

26 doesn't indicate down here that you possibly had

27 to defend yourself. There's a reason why you

1 took the knife off the -- If in fact you took
2 the knife off the refrigerator.

3 **INMATE STRONG:** Yes sir.

4 **PRESIDING COMMISSIONER INGLEE:** Did you ↘
5 mean to use it on Mr. Jones or did you truly
6 mean to murder your wife?

7 **INMATE STRONG:** Mr. Jones was the
8 culprit. The person I was after was Mr. Jones. ↗

9 **PRESIDING COMMISSIONER INGLEE:** But you
10 seemed to miss Mr. Jones and brutally murdered ↗ ↗
11 your wife. I'm not trying to make you feel any
12 worse than you're feeling today I'm sure, but
13 that's the point.

14 **INMATE STRONG:** But see, but see, as I
15 just stated earlier, that was the, that was
16 Mr. Jones' statement. I never had a chance and
17 I never did tell nobody other than my attorney
18 what actually happened.

19 **PRESIDING COMMISSIONER INGLEE:** Because
20 of the plea, the plea agreement.

21 **INMATE STRONG:** Yes sir. And that was
22 part of the plea bargain agreement from the DA,
23 to tell his version and I agree to it. But I
24 never told nobody my version of how it happened
25 other than my attorney.

26 **PRESIDING COMMISSIONER INGLEE:** Well you ↗
27 have mentioned the fact in your previous version

1 down here. You tell it.

2 **INMATE STRONG:** But it's --

3 **PRESIDING COMMISSIONER INGLEE:** In the
4 prisoner's version, and I'm only reading a
5 portion of it.

6 **DEPUTY COMMISSIONER MOORE:** On the Board
7 Report.

8 **PRESIDING COMMISSIONER INGLEE:** This is
9 on page two.

10 **DEPUTY COMMISSIONER MOORE:** I think he
11 was asking which Board Report.

12 **PRESIDING COMMISSIONER INGLEE:** I'm
13 sorry?

14 **DEPUTY COMMISSIONER MOORE:** I think
15 Mr. Strong was inquiring as to which document
16 you're referring to, the Board Report.

17 **PRESIDING COMMISSIONER INGLEE:** This is
18 the October, no more than that. It's the only
19 other full Board Report I have right now that
20 has the complete, has a complete history in
21 here. And that is the report of, the Board
22 Report of 2004.

23 **DEPUTY COMMISSIONER MOORE:** October 2004?

24 **PRESIDING COMMISSIONER INGLEE:** Which
25 goes back a couple of years. You say in this
26 regard:

27 "Sylvester says he went to his

1 wife's home in hopes of talking to
2 her about reconciliation. He did
3 not have a knife when he got
4 there."

5 So you apparently have already told somebody
6 this.

7 "When he broke the door down he
8 saw Mr. Jones and said, are you
9 fucking my wife? Strong then told
10 Jones to leave. As Mr. Jones was
11 leaving he hit strong and knocked
12 him down. Strong got up and took
13 the knife from above the
14 refrigerator. Jones and Strong
15 were struggling in the entryway at
16 the time Diana ran up and was
17 stabbed in the neck. Mr. Jones
18 ran to his truck and left. Strong
19 got a pillow for her head, opened
20 her blouse to check her wound and
21 called 911."

22 That's essentially what you're saying you have
23 not said to anybody but here it is in writing.

24 **INMATE STRONG:** Well, like I said, it had
25 been a number of years.

26 PRESIDING COMMISSIONER INGLEE: Well it
27 was two years ago that you apparently -- Two

1 years, possibly a little longer than that. But
2 in that time period you apparently told your
3 counselor that because it's here.

4 **INMATE STRONG:** But I never told the
5 Board that.

6 **PRESIDING COMMISSIONER INGLEE:** Well you
7 meant to in 2004, apparently, because this is,
8 this is the document that the last hearing group
9 would have looked at. The reason why I'm
10 reading it is because they haven't brought all
11 the facts forward into the new, into the updated
12 Board Report, which is the November 2005. What
13 they're saying under the summary of the crime is
14 it remains the same as stated in the previous
15 hearing. So I have to go back and refer to a
16 previous hearing in this regard. And that's the
17 last previous hearing. And in fact, as I said
18 -- So anyway, I don't carry this beyond what we
19 need to. But it seems to me you have already
20 told people of this in the past. All right.
21 Okay, well we have two stories. We have the
22 story that came out of your plea bargain and
23 then we have a subsequent story that you
24 apparently had told at least two years ago and
25 again today. Counsel, is there anything you
26 want to say about this?

27 **INMATE STRONG:** No.

1 **PRESIDING COMMISSIONER INGLEE:** All
2 right. Anything else about the actual murder?
3 How many times was your wife stabbed?

4 **INMATE STRONG:** My understanding, once.
5 But what do they call it --

6 **ATTORNEY LEWIS:** The autopsy?

7 **INMATE STRONG:** The autopsy indicated
8 more.

9 **PRESIDING COMMISSIONER INGLEE:** I was
10 going to say, it's quite a bit. Okay, I'll just
11 read the -- I didn't have it tabbed but I just
12 found it.

13 "The Fresno County coroner's post-
14 mortem record indicates that
15 victim Diana Strong suffered a
16 stab wound from the back through
17 to the palm of her left hand. The
18 victim's left thumb had a quarter-
19 inch deep incision wound. A stab
20 wound was located one inch to the
21 right midline of the neck. The
22 stab wound extended through the
23 right arterial jugular vein and
24 cut the --"

25 I'll have to spell it.

26 "-- A-Z-Y-G-O-U-S vein. The
27 direction of the wound is from the

1 upper rear to a 30 degree downward
2 angle. The stab wound was
3 estimated to be two and a half
4 inches. Victim Diana strong was
5 pronounced dead at Valley Hospital
6 by Dr. Michael Solomon. The cause
7 of death is recorded as himeric
8 (phnetic) shock due to a stab
9 wound of the neck and chest."

10 Okay, anything else sir? I know these are not
11 easy things to talk about, I understand. Okay,
12 let's take a look at your prior criminal record.

13 **DEPUTY COMMISSIONER MOORE:** I have some
14 questions about the offense.

15 **PRESIDING COMMISSIONER INGLEE:**

16 Certainly. Let's go to the Deputy Commissioner
17 and she has some questions for you.

18 **DEPUTY COMMISSIONER MOORE:** Were you
19 under the influence of cocaine on December 10th?

20 **INMATE STRONG:** Yes ma'am I was.

21 **DEPUTY COMMISSIONER MOORE:** When had you
22 used it?

23 **INMATE STRONG:** When?

24 **DEPUTY COMMISSIONER MOORE:** Uh-hmm.

25 **INMATE STRONG:** During that course of
26 that day.

27 **DEPUTY COMMISSIONER MOORE:** What time of

1 day did the stabbing and murder occur?

2 **INMATE STRONG:** I believe around 6:30.

3 **DEPUTY COMMISSIONER MOORE:** Were you
4 smoking it, snorting it or shooting it?

5 **INMATE STRONG:** I was, I was smoking it.

6 **DEPUTY COMMISSIONER MOORE:** Rock or
7 powder?

8 **INMATE STRONG:** Rock.

9 **DEPUTY COMMISSIONER MOORE:** And how long
10 had you been using cocaine prior to this event?

11 **INMATE STRONG:** About ten months.

12 **DEPUTY COMMISSIONER MOORE:** And there
13 were a number of other incidents in the month
14 prior to the murder, isn't that correct?

15 **INMATE STRONG:** Yes ma'am it is.

16 **DEPUTY COMMISSIONER MOORE:** Violent,
17 involving violence?

18 **INMATE STRONG:** Yes ma'am.

19 **DEPUTY COMMISSIONER MOORE:** Was anyone on
20 your case, you know, about the cocaine prior to
21 the day of the murder?

22 **INMATE STRONG:** Anyone like who, ma'am?

23 **DEPUTY COMMISSIONER MOORE:** Anyone.

24 **INMATE STRONG:** Yes, I had -- You know, I
25 look back. I had peoples telling me that I need
26 to put myself in check and I didn't hear them.

27 **DEPUTY COMMISSIONER MOORE:** Were you

1 still employed by the City of Fresno when this
2 happened on December 10th?

3 **INMATE STRONG:** No, I had -- No I wasn't.

4 **DEPUTY COMMISSIONER MOORE:** How come you
5 weren't still employed?

6 **INMATE STRONG:** I wasn't able to function
7 in my duties at work.

8 **DEPUTY COMMISSIONER MOORE:** Were you
9 fired?

10 **INMATE STRONG:** No, I just left.

11 **DEPUTY COMMISSIONER MOORE:** When did you
12 quit work, about?

13 **INMATE STRONG:** I can tell you. I left
14 October the 15th, 1987.

15 **DEPUTY COMMISSIONER MOORE:** And then
16 what, after six or seven years as a city
17 employee?

18 **INMATE STRONG:** Eight.

19 **DEPUTY COMMISSIONER MOORE:** Eight years.
20 So when you arrived at the house, your wife's
21 house, there was a restraining order in place? ✓

22 **INMATE STRONG:** Yes ma'am.

23 **DEPUTY COMMISSIONER MOORE:** And how long
24 had that restraining order been in place?

25 **INMATE STRONG:** Probably within maybe ✓
26 three months.

27 **DEPUTY COMMISSIONER MOORE:** About the

1 same time you quit work.

2 **INMATE STRONG:** Yes ma'am.

3 **DEPUTY COMMISSIONER MOORE:** Things were
4 escalating quickly.

5 **INMATE STRONG:** Yes.

6 **DEPUTY COMMISSIONER MOORE:** And the ✓
7 restraining order told you to not do what?

8 **INMATE STRONG:** I wasn't allowed to be on
9 the premises.

10 **DEPUTY COMMISSIONER MOORE:** What else?

11 And contact?

12 **INMATE STRONG:** That's being on the
13 premises.

14 **DEPUTY COMMISSIONER MOORE:** How about
15 telephonic contact? Were you allowed --

16 **INMATE STRONG:** No, they didn't. To my
17 understanding, I can't quite say but we talked
18 on the phone, you know.

19 **DEPUTY COMMISSIONER MOORE:** What is it
20 you were so angry about that you kicked the door
21 in?

22 **INMATE STRONG:** Because there was another ✓
23 man inside the welding (sic) that I once lived
24 in and she wouldn't open the door and let me in.

25 **DEPUTY COMMISSIONER MOORE:** And why
26 wouldn't she open the door?

27 **INMATE STRONG:** Because I had a

1 restraining order, I wasn't supposed to be
2 there.

3

4 **DEPUTY COMMISSIONER MOORE:** And how many
5 times had you laid hands on her before?

6 **INMATE STRONG:** Whatever the record said.
7 It was at least three or four different
8 incidents that I had spousal abuse on Diana
9 Strong.

10 **DEPUTY COMMISSIONER MOORE:** Did your
11 daughter Monique (phonetic) --

12 **INMATE STRONG:** My son. No, Monique --

13 **DEPUTY COMMISSIONER MOORE:** Did your
14 daughter Monique live with you and Mrs. Strong?

15 **INMATE STRONG:** No, Monique no. She
16 didn't live with me. The only one that was
17 living there was Sylvester Junior.

18 **DEPUTY COMMISSIONER MOORE:** Monique is
19 younger than Sylvester?

20 **INMATE STRONG:** She's older.

21 **DEPUTY COMMISSIONER MOORE:** Older.

22 **INMATE STRONG:** They made a mistake on
23 that.

24 **DEPUTY COMMISSIONER MOORE:** Okay. And
25 when you broke through the door was Sylvester at
26 home?

27 **INMATE STRONG:** No he wasn't.

1 **DEPUTY COMMISSIONER MOORE:** Does he go by
2 Junior?

3 **INMATE STRONG:** Yes.

4 **DEPUTY COMMISSIONER MOORE:** Where was he?

5 **INMATE STRONG:** With his aunt Sarah.

6 **DEPUTY COMMISSIONER MOORE:** How angry --
7 Describe to us how angry you were when you
8 busted through the door.

9 **INMATE STRONG:** I was really pissed off
10 to the fact that she wouldn't open the door and
11 there was another man in there. And we had been
12 talking on the phone for like two months, you
13 know.

14 **DEPUTY COMMISSIONER MOORE:** What did that
15 mean to you?

16 **INMATE STRONG:** I was under -- When I was
17 under the influence, you know. Under the
18 influence all kinds of crazy things. I'm
19 thinking they might be in there engaging into
20 some sexual act. You know, everything that's
21 unimaginable was coming through once she, once
22 they wouldn't open the door, the door wasn't
23 opened.

24 **DEPUTY COMMISSIONER MOORE:** Did you think
25 you still had control or rights to control her?

26 **INMATE STRONG:** I didn't have no rights.
27 I didn't even have the right to be there. ✓

1 **DEPUTY COMMISSIONER MOORE:** Today you say
2 that. I'm talking about December 10, 1987.

3 **INMATE STRONG:** I didn't know it, no. I
4 didn't know what I was thinking at that time.

5 **DEPUTY COMMISSIONER MOORE:** On the other
6 dates that you assaulted your wife were you
7 under the influence of cocaine?

8 **INMATE STRONG:** Yes ma'am.

9 **DEPUTY COMMISSIONER MOORE:** And today you
10 indicate that you did not go into the house with
11 the knife. In October of '04 when you spoke to
12 CC-I correctional counselor Hilliard (phonetic).
13 Does that name sound familiar to you?

14 **INMATE STRONG:** Yes.

15 **DEPUTY COMMISSIONER MOORE:** CC-I Hilliard
16 wrote down your statement that you did not come✓
17 in with a knife. That you went and got it over
18 the refrigerator.

19 **INMATE STRONG:** Yes ma'am.

20 **DEPUTY COMMISSIONER MOORE:** How did you
21 -- Were there knives stored on top of the ✓
22 refrigerator?

23 **INMATE STRONG:** We had a chop -- On top
24 of the refrigerator we had a chopping block.
25 And it was right over the top of the freezer and
26 it just sat up there. Once I was struck -- I
27 know it was there and I just stood up and

1 reached up. Unfortunately I grabbed the longest
2 one in the block.

3 **PRESIDING COMMISSIONER INGLEE:** These are
4 knives that are in a wooden --

5 **INMATE STRONG:** Yes sir.

6 **PRESIDING COMMISSIONER INGLEE:** I
7 understand.

8 **DEPUTY COMMISSIONER MOORE:** So how is it ✓
9 that Mr. Jones struck you? Where is it? What
10 did he do?

11 **INMATE STRONG:** When I -- I was standing ✓
12 by the refrigerator and I asked him to leave.
13 And as he was leaving --

14 **DEPUTY COMMISSIONER MOORE:** Did you ask
15 him to leave?

16 **INMATE STRONG:** Yeah, I told him to get
17 the fuck out.

18 **DEPUTY COMMISSIONER MOORE:** That's not
19 asking.

20 **INMATE STRONG:** Well.

21 **DEPUTY COMMISSIONER MOORE:** That's
22 telling.

23 **INMATE STRONG:** Well, yes.

24 **DEPUTY COMMISSIONER MOORE:** Okay.

25 **PRESIDING COMMISSIONER INGLEE:** It
26 wouldn't cause any confusion with me if you had
27 done that.

1 **ATTORNEY LEWIS:** Clear as a bell.

2 **DEPUTY COMMISSIONER MOORE:** So you told
3 him to get out.

4 **INMATE STRONG:** Yes ma'am.

5 **DEPUTY COMMISSIONER MOORE:** And what
6 happened?

7 **INMATE STRONG:** He walked by me. As he
8 walked by he and he turned back he struck me.

9 **DEPUTY COMMISSIONER MOORE:** Tell me what
10 that means. Did he tap you on the shoulder,
11 forehead, what?

12 **INMATE STRONG:** No, he hit me in my face.

13 **DEPUTY COMMISSIONER MOORE:** With what?

14 **INMATE STRONG:** With his face.

15 **DEPUTY COMMISSIONER MOORE:** And what
16 happened to you?

17 **INMATE STRONG:** I went down.

18 **DEPUTY COMMISSIONER MOORE:** To the
19 ground?

20 **INMATE STRONG:** In the kitchen, in the
21 kitchen. We was in the kitchen area in front of
22 the refrigerator, I went down. When I went down
23 I stood back up. When I stood back up I just
24 reached straight up and grabbed the knife.

25 **DEPUTY COMMISSIONER MOORE:** And where was
26 Mr. Jones when you reached for the knife?

27 **INMATE STRONG:** Headed for the front

1 **INMATE STRONG:** He became a gang member.

2 **DEPUTY COMMISSIONER MOORE:** Here in
3 Fresno?

4 **INMATE STRONG:** Yes.

5 **DEPUTY COMMISSIONER MOORE:** Which gang?

6 **INMATE STRONG:** From my understanding
7 they call theyself (sic) a Deuce Diamond Crip.

8 **DEPUTY COMMISSIONER MOORE:** At 11 years
9 old?

10 **INMATE STRONG:** He was getting into it
11 the last time I saw him. I recognized his
12 little outfit that he had on and we talked about
13 it. After that he --

14 **DEPUTY COMMISSIONER MOORE:** So you
15 haven't had contact with him? He's 23 now?

16 **INMATE STRONG:** Yeah, he'll be 23 July
17 the 1st.

18 **DEPUTY COMMISSIONER MOORE:** Have you seen
19 him since?

20 **INMATE STRONG:** You know, I don't want to
21 talk about Sylvester but I will say this.
22 Sylvester is off the track right now. Sylvester
23 is incarcerated as well.

24 **DEPUTY COMMISSIONER MOORE:** Locally or in
25 the state prison?

26 **INMATE STRONG:** In the state prison.

27 **DEPUTY COMMISSIONER MOORE:** Have you

1 attempted to try -- Drugs part of his life?

2 **INMATE STRONG:** Truthfully, all I know,
3 he was involved in gangs. I don't know. But I
4 keep in contact with Sylvester through his
5 grandmother Ruby, Diana's mother. I correspond
6 with Sylvester right now. We write, you know.
7 I always write him. But I lost, I lost control
8 of him at 11, you know. In fact, that was the
9 last time I kissed him on the cheek and he told
10 me I couldn't do that no more.

11 **DEPUTY COMMISSIONER MOORE:** Some pretty
12 serious consequences for taking the life of his
13 mother.

14 **INMATE STRONG:** Yes. And that I can
15 never change and that's something I have to live
16 with the rest of my life.

17 **DEPUTY COMMISSIONER MOORE:** So coming
18 back to NA. Has it been recommended to you that
19 you work the steps?

20 **INMATE STRONG:** They tell us to work them
21 as we need them, you know.

22 **DEPUTY COMMISSIONER MOORE:** What sort of
23 literature have you read in NA?

24 **INMATE STRONG:** The literature that they
25 offer us in there, you know. They have little
26 pamphlets and stuff.

27 **DEPUTY COMMISSIONER MOORE:** Have you ever

1 read the book that AA uses called Alcoholics
2 Anonymous?

3 **INMATE STRONG:** We have sessions in NA
4 that we take turns reading out the book.

5 **DEPUTY COMMISSIONER MOORE:** The big book?

6 **INMATE STRONG:** Yeah, the big blue book.

7 **DEPUTY COMMISSIONER MOORE:** And have you
8 ever obtained a copy of that for yourself?

9 **INMATE STRONG:** No, when we go in there
10 we read it out. They just have a couple of them
11 and they just pass them around within the
12 meeting.

13 **DEPUTY COMMISSIONER MOORE:** What does
14 that book recommend? That's pretty much the
15 bible of recovery, isn't it?

16 **INMATE STRONG:** The thing is, my theory
17 is it's just, it's two things. You're going to
18 use or you're not going to use, you know. And
19 you find ways to -- It takes time to find out
20 how not to use and why you use and all that.
21 But we read the book.

22 **DEPUTY COMMISSIONER MOORE:** Okay.
23 There's some other things that you've completed
24 since your last hearing. The community reentry
25 video and discussion occurred. Also anger
26 management class in July of '05.

27 **INMATE STRONG:** Yes.

1 **DEPUTY COMMISSIONER MOORE:** And there was
2 a tobacco awareness program that you also went
3 through in January of '06. And I do want to,
4 even though it was prior to your last hearing,
5 in August of '02 you participated in a 13-week
6 IMPACT program.

7 **INMATE STRONG:** Yes ma'am.

8 **DEPUTY COMMISSIONER MOORE:** What did you
9 get from that?

10 **INMATE STRONG:** With IMPACT?

11 **DEPUTY COMMISSIONER MOORE:** Uh-hmm.

12 **INMATE STRONG:** That was a real awesome
13 class. We had various topics. I mean, from
14 domestic violence to gangs to murder. It was a
15 very interesting class that Captain Garrett
16 (phonetic) here at CTF was the sponsor of it.

17 **DEPUTY COMMISSIONER MOORE:** And you
18 learned about your impact on what, your
19 behavior?

20 **INMATE STRONG:** Basically when I went to
21 the IMPACT class was to try to get some
22 understanding on domestic violence.

23 **DEPUTY COMMISSIONER MOORE:** Did you?

24 **INMATE STRONG:** Yes.

25 **DEPUTY COMMISSIONER MOORE:** What did you
26 learn?

27 **INMATE STRONG:** That I cannot control no

1 person but myself. That if my wife Gloria today
2 tell me she don't want to be with me, I have to
3 respect that. I can't make her do something
4 that she don't want to do. She's a grown
5 person.

6 **DEPUTY COMMISSIONER MOORE:** Does Gloria
7 know about your history?

8 **INMATE STRONG:** Gloria, in fact, was
9 working at the hospital. Yeah, she know about
10 it, she know the whole case.

11 **DEPUTY COMMISSIONER MOORE:** Okay. We
12 also have a laudatory chrono, which you spoke
13 about earlier, and that was written by CC-I
14 Palmer in September of '05 in which you
15 participated with other inmates in making a
16 financial donation for the victims of the
17 Katrina Hurricane in the Louisiana/Mississippi
18 area.

19 **INMATE STRONG:** Yes I did.

20 **DEPUTY COMMISSIONER MOORE:** Good
21 community service. I'm going to move on now.
22 Is there anything else you want to tell me about
23 programming, laudatory chronos, work, academics,
24 anything that I've missed or overlooked?

25 **INMATE STRONG:** You covered everything
26 other than since the last Board Hearing I just
27 received seven laudatory chronos, which you

1 mentioned.

2 **DEPUTY COMMISSIONER MOORE:** Okay. Yes,
3 all for attendance at NA and AA. Consistent
4 without a break, I would note.

5 **INMATE STRONG:** Yeah.

6 **DEPUTY COMMISSIONER MOORE:** Okay. Your
7 disciplinary history involves two 115s that
8 occurred in '93, excuse me. One for disruptive
9 -- Both in September of '93. Disruptive
10 behavior and threatening staff. About following
11 the rules. Not wanting to follow the rules and
12 getting your back up in a loud way would
13 probably be the best way to characterize that.

14 **INMATE STRONG:** Yes ma'am.

15 **DEPUTY COMMISSIONER MOORE:** The 128s, you
16 had six of them total and the last one was in
17 October of '99. Again about getting your back
18 up. Loud and disrespectful to staff. Wanting
19 to control your world is how I would
20 characterize them. And the last one was in
21 October of '99. And that's -- So nothing in the
22 past almost seven years, six-and-a-half years in
23 that respect and nothing for twelve-and-a-half
24 years as far as a 115. You've been clear. And
25 with no violence involved in any of them, any of
26 the write-ups. Anything else that I need to
27 cover before I go to your psychological report?

1 **INMATE STRONG:** No, that's basically
2 about everything.

3 **DEPUTY COMMISSIONER MOORE:** Okay. The
4 psychological evaluation I'm going to review is
5 dated October 11, 2004. Is that yours, the one
6 you have, counsel?

7 **ATTORNEY LEWIS:** Yes it is.

8 **DEPUTY COMMISSIONER MOORE:** And it is
9 entitled the psychological evaluation and it's
10 written by Dr. Sexton, S-E-X-T-O-N, consulting
11 psychologist, and Senior Supervising
12 Psychologist, Zika, Z-I-K-A. They indicate that
13 there was an interview of you for about two
14 hours that lasted -- In October of '04. Do you
15 recall that?

16 **INMATE STRONG:** Yes ma'am I do.

17 **DEPUTY COMMISSIONER MOORE:** Okay. They
18 reviewed all of your records as well. They
19 found -- They reviewed your criminal history as
20 we've done here. They also reviewed the 115s
21 and noted the '93, the two incidents in '93. In
22 the question about the commitment offense you
23 discussed your substance abuse, the relationship
24 with your wife, your feelings of abandonment at
25 great length. It was clear to the doctor that
26 you had a deep understanding of the underlying
27 causes for the offense and through numerous

1 courses that you've taken while incarcerated
2 have learned alternative behaviors. And your
3 remorse appeared to the doctor to be genuine and
4 heartfelt. You indicated that you continue to
5 be in communication with the victim's family.
6 That although you've remarried the victim's
7 mother, I think you referred to her as Ruby.

8 **INMATE STRONG:** Yes ma'am, Ruby Pinson.

9 **DEPUTY COMMISSIONER MOORE:** Continues to
10 be your mother-in-law and you are in contact
11 with her. That she has forgiven you for the
12 offense and it appears to the doctor that her
13 forgiveness is very important to you.

14 **INMATE STRONG:** Yes it was.

15 **DEPUTY COMMISSIONER MOORE:** There were
16 some brief psychiatric contacts while you were
17 incarcerated, mostly for self-referrals for
18 depression. One time you were placed on
19 Vistaril, V-I-S-T-A-R-I-L. You're currently not
20 taking any medication and it doesn't appear to
21 have any lasting -- You do not appear to have
22 any current issues regarding depression or
23 anything like that. They do make note that it
24 seems to be at about the time after a Board
25 Hearing or just before a Board Hearing that you
26 self-referred.

27 **INMATE STRONG:** Yes ma'am it was.

1 **DEPUTY COMMISSIONER MOORE:** Okay.

2 Consistent with previous reports there is no

3 evidence that you've ever experienced psychotic

4 symptoms or significant mood disorders. You are

5 clear, well spoken and articulate. Your

6 intellectual functioning appears to be in the

7 average range. Under diagnostic impressions

8 there were no diagnoses determined to be present

9 other than being a life prisoner. They indicate

10 your GAF score is at 85. The doctor does say

11 that your diagnosis has changed from previous

12 reports in his opinion. In the past there was a

13 label of adult antisocial behavior. The doctor

14 states that there is no indication of that at

15 this time and that the diagnosis has been

16 removed from his clinical impressions of you.

17 It's clear that you've chosen not to abuse

18 cocaine. Not because you don't have the

19 availability, because you don't wish to have

20 used it. And as a result the substance abuse,

21 poly-substance abuse has been dropped from your

22 diagnosis as well. I might also offer the

23 opinion that sometimes that can be as a result

24 of institutional remission of the abuse because

25 of institutional, you know, incarceration. But

26 as you've stated, you can come by it while

27 you're inside.

1 **INMATE STRONG:** Very easily.

2 **DEPUTY COMMISSIONER MOORE:** Yeah. Refers
3 to 35 chronos for self-help programs. And this
4 was in '04, you've only added to that number.
5 And a limited yet significant arrest history.
6 It's clear -- The doctor says it's clear that
7 your aggressive behavior from the late '80s and
8 early '90s is now changing for the better. As a
9 result your violence potential compared to other
10 inmates with whom you reside is considered to be
11 below average. You have no assaultive history
12 while you have been incarcerated. The doctor
13 says it is somewhat difficult to predict the
14 probability of aggressive behavior in the
15 community. As people mature and change,
16 behavior they have once found acceptable becomes
17 unacceptable. What can be said is that compared
18 to the average parolee in the community you are
19 much less likely to be violent while on parole
20 due in part to your age, greater maturity and
21 your substance-free thinking or intellect. You
22 appear to have no more violence potential than
23 the average male in the general population of a
24 similar age. And I believe you're 52 now?

25 **INMATE STRONG:** Yes ma'am, I am 52.

26 **DEPUTY COMMISSIONER MOORE:** Okay. There
27 are no current factors which would predict an

1 increase in violence potential in the community.
2 Substance abuse would clearly increase that
3 potential. But it does not appear that
4 substance abuse is currently a problem nor is it
5 anticipated that it will be an issue for him
6 when he is placed on parole. The comment about
7 your numerous self-help, no current
8 recommendation for additional self-help programs
9 from the doctor, and that you appear to have
10 reached your maximum benefit while incarcerated
11 from self-help. What are your plans regarding
12 NA upon your release?

13 **INMATE STRONG:** Well there's numerous NA
14 programs in Fresno. My mother is going to make
15 sure that I get in one. That's our discussions
16 when she comes up to visit me. My mother visits
17 me regularly. And she wants me to get into it.

18 **DEPUTY COMMISSIONER MOORE:** How often do
19 you think you're going to have to go to
20 meetings?

21 **INMATE STRONG:** Well, I'm going to try to
22 make them as often as possible.

23 **DEPUTY COMMISSIONER MOORE:** Well how many
24 do you think you need a week?

25 **INMATE STRONG:** I would say I'm going to
26 try to at least make a average of at least four
27 a week, you know.

1 **DEPUTY COMMISSIONER MOORE:** What else are
2 you going to do when you start going to
3 meetings? Do you need to get a sponsor?

4 **INMATE STRONG:** My sister-in-law has been
5 my, she's going to be my sponsor.

6 **DEPUTY COMMISSIONER MOORE:** And I'm going
7 to recommend to you that that not occur. You
8 need a man to be your sponsor. Not a family
9 member and not a woman.

10 **INMATE STRONG:** Okay.

11 **DEPUTY COMMISSIONER MOORE:** You have a
12 lot of footwork to do on the 12 steps of
13 Narcotics Anonymous, a lot. It needs to be with
14 a man who has been clean and sober and is doing
15 the deal.

16 **INMATE STRONG:** Okay, I acknowledge that.

17 **DEPUTY COMMISSIONER MOORE:** So I want to
18 give you a little redirection on that.

19 **INMATE STRONG:** Okay.

20 **DEPUTY COMMISSIONER MOORE:** Get into
21 service as soon as you can. Do you know what
22 that means when I say, get into service in NA?

23 **INMATE STRONG:** No I don't.

24 **DEPUTY COMMISSIONER MOORE:** You start
25 cleaning coffee cups, you clean up the ashtrays,
26 you set up the chairs. You find a position
27 where you're the greeter at the meeting and you

1 welcome the people.

2 **INMATE STRONG:** Oh, once on the streets.

3 Yeah, okay, I understand you now.

4 **DEPUTY COMMISSIONER MOORE:** On the
5 streets.

6 **INMATE STRONG:** Yeah, okay. I do that
7 here.

8 **DEPUTY COMMISSIONER MOORE:** Get into
9 service on the outside.

10 **INMATE STRONG:** Okay.

11 **DEPUTY COMMISSIONER MOORE:** Is there
12 anything else that you'd like to add at this
13 time regarding post-conviction factors?

14 **INMATE STRONG:** That's it ma'am.

15 **DEPUTY COMMISSIONER MOORE:** Okay.

16 Commissioner, thank you, I have completed my
17 presentation.

18 **PRESIDING COMMISSIONER INGLEE:** Okay.

19 All right, I have no questions. Do you have any
20 questions, counselor?

21 **ATTORNEY LEWIS:** No I do not.

22 **PRESIDING COMMISSIONER INGLEE:** All
23 right, would you go to the summary, please.

24 **DEPUTY COMMISSIONER MOORE:** You are going
25 to be interrupted in the middle of it just to
26 let you know.

27 **ATTORNEY LEWIS:** Will I?

1 **DEPUTY COMMISSIONER MOORE:** Yeah, I'm
2 going to --

3 **PRESIDING COMMISSIONER INGLEE:** You want
4 to take it, just go ahead and change those out?

5 **DEPUTY COMMISSIONER MOORE:** Well I
6 haven't gotten the tapes unwrapped yet so you
7 may want to begin, sir.

8 **ATTORNEY LEWIS:** Mr. Strong should be
9 found suitable for parole. The following
10 supports Mr. Strong in his contention that he
11 has earned a second chance by being suitable for
12 parole. He has definitely taken responsibility
13 for the life crime. He has admitted guilt to
14 the Board here today and at other times. He
15 admitted guilt to the psychological evaluators,
16 to a host of people. And also he pled guilty to
17 the crime as well. Mr. Strong has a stable
18 upbringing and he has experienced reasonable,
19 stable relationships with others. Mr. Strong
20 has been commended with excellent and/or above
21 average work reports while incarcerated and he
22 has also worked well with others, his
23 supervisors and peers, and he has a great
24 attitude. Mr. Strong has expressed remorse for
25 his crime, with not only psychiatric evaluators
26 but here today, and he is truly sorry. More
27 importantly, however, Mr. Strong has

1 demonstrated his remorse by programming. By
2 attending NA regularly, by going through
3 vocational training, by going through the IMPACT
4 program, anger management and a host of other
5 self-help programs. Mr. Strong has committed --
6 Mr. Strong committed his crime as a result of
7 significant stress in his life due to drug
8 addiction, cocaine, and the fact that Mr. Jones
9 struck him. Causing him to be enraged, which
10 caused the fight that ensued where his wife got
11 in the middle of that and was summarily struck
12 by the knife and killed.

13 **DEPUTY COMMISSIONER MOORE:** And that's a
14 good pause point right there.

15 (Tape One was changed to Tape Two.)

16 **DEPUTY COMMISSIONER MOORE:** We're back on
17 the record on tape two, it's 6:21.

18 **ATTORNEY LEWIS:** Mr. Strong's education,
19 although he doesn't have a degree in college he
20 does have a high school diploma that was awarded
21 to him in 1972. He can read and write and in
22 fact he held a job with the SPCA of Fresno for
23 several years, indicating that he can and has
24 more of a grade point average than what the
25 record shows. Mr. Strong lacks any significant
26 history of violent crime as a juvenile, although
27 he had some run-ins with the law with respect to

1 domestic violence with his wife. At the time of
2 the crime Mr. Strong was 33 years old and he is
3 now age 52. At age 52 the probability of
4 recidivism is vastly reduced. And in fact, the
5 circumstances surrounding the crime it seems to
6 me is one that probably would never occur again,
7 not in this gentleman's life, with respect to
8 how it went down. Mr. Strong's parole plans are
9 solid and feasible. He is now married,
10 remarried. He has a residence that is assured
11 with his mother, Dorothy Potts, which she has
12 submitted support letters indicating so.
13 Mr. Strong has a job offer as a stocker at the
14 Cigarette Outlet in Fresno, which is owned and
15 operated by his uncle, John Cummings. There are
16 letters in the file that show that Mr. Cummings
17 is willing to hire my client, although he didn't
18 sign them and place the date or his address on
19 the letter. Mr. Strong has marketable skills
20 enabling him to readily find employment. It is
21 believed that he could go back to the SPCA and
22 get his job as an animal control officer. And
23 he also certifications in furniture upholstery,
24 which as mentioned earlier, he has excellent job
25 reports. Mr. Strong's institutional activities
26 indicate an enhanced ability to function with
27 the law upon his release. Through his

1 incarceration he has only received two 115s, the
2 last one of which was in 1993. Mr. Strong has
3 engaged in numerous self-help groups, IMPACT,
4 anger management. The IMPACT group was 13
5 weeks, tobacco awareness and a few others. His
6 assessment of dangerousness by Dr. Sexton as
7 low. Dr. Sexton opined that my client would be
8 less likely to be violent and he has maxed out
9 on all programs the CDC has to offer. That was
10 indicated on the last page of his report. In
11 conclusion, Mr. Strong has a network of support
12 which includes his mother, his family, his wife,
13 and including the victim's mom. The family
14 support will not be there forever because people
15 do drift away. Parole is more likely to be
16 successful if there is a family network
17 available. Mr. Strong has a job offer. This
18 will not always be available. Mr. Strong has
19 parole plans that are feasible. And Mr. Strong
20 has demonstrated that he can succeed without
21 resorting to violence. The murder of his wife
22 was not an intentional act, it was a
23 circumstance that happened and it was an
24 accident. We respectfully request that
25 Mr. Strong be given an opportunity to reenter
26 into society to be a viable member of society so
27 that he can continue on in his life and to maybe

1 share some of his experiences and some of his,
2 you know. With regards to youth out there maybe
3 he can maybe show someone out there that it's
4 not, violence is not the way and maybe he can
5 change a few outlooks. Maybe he can save his
6 son. Maybe he can help some people out there.
7 We submit.

8 **PRESIDING COMMISSIONER INGLEE:** All
9 right, thank you very much. Give me a second,
10 give me a second. Mr. Strong, this is now your
11 opportunity to tell us why you're suitable for
12 parole.

13 **INMATE STRONG:** Okay. Before I say that
14 I would like to go back to Deputy Commissioner
15 Moore. That you never went back and talked
16 about that domestic violence package that I had
17 in my C File.

18 **DEPUTY COMMISSIONER MOORE:** You are
19 correct. And I know where it is, I will now do
20 that. The only document that I could find and
21 review since the last hearing, and I'm just
22 going to double-check, was the three hour video
23 review that was offered. Carl Reddick
24 (phonetic) was the video instructor. Do you
25 recall that?

26 **INMATE STRONG:** Yes ma'am.

27 **DEPUTY COMMISSIONER MOORE:** And that was

1 on July of 2005 and Charlie Walker signed off on
2 your chrono on that. And it was about anger
3 management and what drives your emotions.
4 That's what I was looking at when I spoke with
5 you. The only other chronos that have been put
6 in your file since the date of the last hearing
7 is the tobacco awareness, your laudatory chronos
8 for all of your attendance at NA. But there is
9 no -- Treatment and Management of Hepatitis and
10 the Katrina contribution. So there was no other
11 -- What I was looking at was that anger
12 management.

13 **INMATE STRONG:** What I was referring to,
14 I gave my counselor, Counselor Nuñez, a package
15 on domestic violence that I had received from
16 the streets and he told me he was going to
17 insert it into my file. It was at least three
18 or four pages of --

19 **ATTORNEY LEWIS:** (Inaudible).

20 **INMATE STRONG:** Yes.

21 **DEPUTY COMMISSIONER MOORE:** Okay, let me
22 just double-check one more thing.

23 **INMATE STRONG:** And plus I had something
24 from -- Right there, yes.

25 **DEPUTY COMMISSIONER MOORE:** Okay. This
26 is, it's in the miscellaneous section of the C
27 File. And it appears to be a handout, a

1 booklet. A domestic violence booklet from
2 Oakland County. Did you get to review this or
3 was it given directly?

4 **INMATE STRONG:** I got a chance to review
5 it but I wanted him to insert it in my file and
6 return it to me before I came to the Board. But
7 somehow they changed counselors and he never --
8 I put a request in to get it back but I never
9 did.

10 **DEPUTY COMMISSIONER MOORE:** You want to
11 get a copy of this. There are referrals in here
12 for resources both nationally and statewide. A
13 number of factors regarding the cycle of
14 violence and how domestic violence in
15 relationships occurs, not only with spouses and
16 girlfriends but family members. And there's
17 also from the Emergency College of -- American
18 College of Emergency Physicians a multiple page
19 document, four pages regarding how to observe
20 and identify domestic violence. And also from
21 the USDA Safety, Health and Employee Welfare
22 Division, a domestic violence awareness handbook
23 that appears to be in excess of ten pages. And
24 the web site that you referred to is from the
25 Mayo Clinic-dot-com that you asked a friend to
26 access for you. And again, talks about
27 recognition, having a safety plan for the

1 victims, knowing the signs and how in a
2 relationship domestic violence is about power
3 and control. And also gives a number of
4 resources. Thank you for pursuing that with me.
5 It's in your best interest that I did put that
6 on the record. And if you could please try and
7 get a copy of this back to you through your
8 counselor.

9 **INMATE STRONG:** I will do that, thank
10 you.

11 **DEPUTY COMMISSIONER MOORE:** Thank you.

12 **INMATE STRONG:** You're welcome.

13 **PRESIDING COMMISSIONER INGLEE:** Tell us
14 why you are suitable for parole.

15 **INMATE STRONG:** Well, the reason I feel
16 I'm suitable for parole is first of all I
17 changed my way of thinking. Meaning by that, I
18 know what, I know what got me here. I used to
19 think it was drugs but it was something deeper
20 than drugs. I had to look at myself and what
21 really got me to thinking that I was up so high
22 in life that I can use drugs and control drugs.
23 Then I said well, maybe it's something else. I
24 had lost respect for myself. I just had lost
25 respect, you know. When a person use drugs they
26 trying to escape something. And to me it was I
27 thought I had it all so why not do drugs. I

1 know I hurt a lot of peoples. I know I hurt
2 Diana my wife's family, my family and friends,
3 my son, you know. I hurt a lot of peoples I
4 don't even know about. And the only way I could
5 change that was to change myself and know that
6 if I use drugs any more in my life I'm subject
7 to go back to where I was and I don't want to go
8 back there no more. And I think I try to work
9 these programs that the Department of
10 Corrections offered me, to take advantage of
11 them. At first I wasn't willing to take
12 advantage of them, that's why I started taking
13 advantage of them in '96. I was still going
14 through head-trips. But once I realized that I
15 put myself here and I could help myself if I
16 would just follow the rules that the Department
17 of Corrections had laid out for me. And that's
18 when I started feeling good about myself and
19 knowing that if I do this it's a chance that I
20 would be returned back to society. I have
21 grandchildren. I have peoples that I want to be
22 with. I can apologize to everybody but the
23 person that I really want to apologize to I can
24 never apologize to. The only thing I can do is
25 try to be a better person when I get out and
26 hopefully let something come out of that. Other
27 than that that's about it.

1 **PRESIDING COMMISSIONER INGLEE:** Okay,
2 very good. We will now go into recess for
3 deliberation. The time is now 6:33.

4 **R E C E S S**

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1 **CALIFORNIA BOARD OF PAROLE HEARINGS**

2 **D E C I S I O N**

3 **DEPUTY COMMISSIONER MOORE:** Back on the
4 record, it's 7:30.

5 **PRESIDING COMMISSIONER INGLEE:** All
6 parties that were here before have since
7 returned. This is in the matter of Sylvester
8 Strong, S-T-R-O-N-G, CDC number D-99287.
9 Mr. Strong, the panel reviewed all information
10 received from the public and relied on the
11 following circumstances in concluding that the
12 prisoner is suitable for parole.

13 **INMATE STRONG:** Thank you.

14 **PRESIDING COMMISSIONER INGLEE:** And would
15 not pose an unreasonable risk of danger to
16 society or a threat to public safety if released
17 from prison. First off the prisoner has no
18 juvenile record of assaulting others. Until his
19 instant offense the inmate had a stable social
20 history as exhibited by reasonable, stable
21 relationships with others. While in prison he
22 has enhanced his ability to function within the
23 law upon release through participation in the
24 following areas of educational programs, self-
25 help, vocational programs and institutional job
assignments. I will ask the Deputy Commissioner
27 **SYLVESTER STRONG D-99287 DECISION PAGE 1 05/31/06**

1 if she would detail each one of these four
2 areas.

3 **DEPUTY COMMISSIONER MOORE:** Thank you.

4 Mr. Strong, in reviewing your C File and
5 discussing with you today the following is what
6 I have determined to be present and proven
7 within the file. In regards to educational
8 programs you came into prison with a high school
9 diploma. You have not sought further
10 educational programs, per se, at an academic
11 level. What you have sought is self-help. And
12 it's evident in the past ten years that you have
13 been very active in your programming.

14 Specifically you have received and taken part in
15 and enrolled in programs regarding parenting,
16 anger management, employability. Since 1996
17 there are consistent chronos for attendance in
18 12 step programs, whether they are AA, NA or a
19 generic 12 step recovery program, specifically
20 at this facility, at this institution after you
21 arrived here. There were a few before but
22 predominately here at CTF Soledad. You have
23 been involved in several employability programs.

24 You also participated in the IMPACT program in
25 2002, a 13 week program. That as you testified
26 to earlier and this is evidenced in the C File,

1 talk about the impact on victims as you were
2 seeking more information about domestic
3 violence. Because of a lack of domestic
4 violence programming here at CTF you did go
5 further than other inmates in that you sought
6 outside information regarding domestic violence
7 awareness. How to deal with it. Alternative
8 behaviors by seeking out information from
9 Oakland County with the domestic violence
10 handbook and other documents that you asked
11 friends on the outside to provide to you and are
12 found in the C File. You have also participated
13 in community reentry programs on multiple
14 occasions. As recent as 2006 but also prior to
15 that in your work towards becoming suitable
16 towards parole. You have been active throughout
17 the past ten years, becoming very aware of the
18 programming needs that you have needed to become
19 suitable. The next area is that of vocational
20 programs. You have worked in the PIA upholstery
21 shop since June of 2001, receiving above average
22 to exceptional work reviews. Your most recent
23 one, as I indicated, was in February of '06 by
24 supervisor Arroyo, A-R-R-O-Y-O, in which you
25 were found to be an exceptional employee. You
have also received laudatory chronos from Arroyo

27 **SYLVESTER STRONG D-99287 DECISION PAGE 3 05/31/06**

1 in '02 about your work. You have received a
2 number of other laudatory chronos regarding your
3 contributions financial to the Katrina hurricane
4 victims. And also on two occasions in 2000 and
5 2001 in which another inmate, either in your
6 cell or on your tier, was in a medical emergency
7 and you took it upon yourself to notify staff of
8 a man down and a need for medical attention. In
9 one instance a cellmate, I believe, was
10 transported for immediate care to the hospital
11 for an appendix operation, appendectomy, and
12 another you thought may have been having a
13 stroke and received medical care. You have also
14 participated in a parenting program. I don't
15 know if I mentioned that earlier but I feel it's
16 very important, considering what you've told us
17 about your contact with your son up until the
18 age of 11 and where he is now and understanding
19 your impact. What you've done made what his
20 reports look like when he talks about his
21 childhood. Your vocational programs also
22 indicate that you are trying to maintain your
23 skills with upholstery by recently going through
24 upholstery training seminars that were offered
25 here at CTF. Prior to that you were involved in
26 the masonry section. I think it was at another
27

1 institution, at Pleasant Valley.

2 **INMATE STRONG:** Yes ma'am, it was
3 Pleasant Valley.

4 **DEPUTY COMMISSIONER MOORE:** And you
5 completed five of the eight units towards
6 completion. And due to transfer that was why
7 you were unable to complete it. Your reports
8 while there were, asking good questions, always
9 wanting to do more, seeking more information.
10 And the teacher and supervisor in that area
11 thought that you could make that a marketable
12 skill for yourself and you had indicated an
13 intention as such. We've talked about
14 vocational programs, institutional job
15 assignments. You have always -- Not always. I
16 want to note a change, '93 to '95 was a
17 transitional time for you in prison. You were
18 receiving some negative reports of attitude
19 towards supervisors and staff in your work as a
20 sewing machine operator, I believe at one time.
21 And in '93 -- Just as we go to '95 and you
22 started attending 12 step program and you
23 started to actively programming all of those
24 ratings changed. They became average to above
25 average. You started participating rather than
26 being a victim is the observation that I made.
27 **SYLVESTER STRONG D-99287 DECISION PAGE 5 05/31/06**

1 Prior to that change you were a sewing machine
2 operator and receiving average and some fours
3 and fives on occasion. Doing the job and
4 showing up. Things changed in '95 and '96 in
5 your institutional job assignments, your
6 attitude and your work productivity. You became
7 a good employee. And those would be the areas
8 that I have been able to review and take from
9 your program, from your C File regarding your
10 programming.

11 **PRESIDING COMMISSIONER INGLEE:** Until
12 your domestic problems with your deceased wife
13 began in 1987 you did not have any history of
14 violent crime. Because of maturation, growth,
15 greater understanding and advancing age this has
16 all gone to reduce your probability of
17 recidivism in the future. You have excellent
18 parole plans, which include a family job offer
19 and family support in general. This also
20 includes living with your mother once paroled.
21 You have maintained close family ties while in
22 prison through both letters and visits and other
23 forms of communication such as telephone. You
24 have maintained positive institutional behavior
25 which indicates a significant improvement in
26 self-control, with your last 115 being received
27 **SYLVESTER STRONG D-99287 DECISION PAGE 6 05/31/06**

1 in 1993. You have shown sincere signs of
2 remorse. You have indicated that you understand
3 the nature and magnitude of the offense that you
4 committed. You have accepted full
5 responsibility for your criminal behavior. And
6 you have expressed a desire to change towards
7 good citizenship through both your discussion
8 today and also how you have demonstrated this
9 work through your self-help programming over the
10 last 10 to 15 years. Now I want to talk about
11 your base term of confinement. The base offense
12 of which the prisoner was convicted, what you
13 were convicted for, is murder second degree,
14 which is Penal Code 187. This offense occurred
15 on 12/10/1987. The term is derived from the
16 matrix located in CCR Title 15 at 2402(c)
17 second-degree murder, offense committed on or
18 after 11/8/1978. In this regard the panel finds
19 that category C-III is appropriate in that C
20 indicates that the death of the victim resulted
21 from sincere, excuse me, severe trauma inflicted
22 with deadly intensity. In regard to III.
23 Excuse me, I believe I said C-III and I meant
24 C-II so that will have to be a correction. This
25 is C-II. C being correct, that being severe
26 trauma. II, is actually prior relationship. In
27 **SYLVESTER STRONG D-99287 DECISION PAGE 7 05/31/06**

1 that you had a strong prior relationship with
2 the deceased and you were involved in a personal
3 relationship with the prisoner (sic). In this
4 case a family member or your former wife.

5 **DEPUTY COMMISSIONER MOORE:** And if I may,
6 Commissioner. You said 2402 rather than 3.

7 **PRESIDING COMMISSIONER INGLEE:** We should
8 put it on, why don't you put it on --

9 (Off the record.)

10 **DEPUTY COMMISSIONER MOORE:** We're back on
11 the record.

12 **PRESIDING COMMISSIONER INGLEE:** It has
13 been brought to my attention that I may have
14 made a couple of errors in what I had been
15 previously discussing in regard to the base term
16 of confinement and I basically want to go back
17 through that again to be sure that we have
18 stated it correctly. The base life offense of
19 which the prisoner has been convicted is murder,
20 second degree. That is Penal Code 187. The
21 offense occurred on 12/10 of 1987. The term is
22 derived from the matrix located at CCR Title 15
23 at, this is where the correction will be made,
24 2403(c), second-degree murder, offense committed
25 on or after 11/8/1978. The panel finds that
category C-II is appropriate in that C-III,
27 **SYLVESTER STRONG D-99287 DECISION PAGE 8 05/31/06**

1 excuse me, C is that the death resulted from
2 severe trauma inflicted with deadly intensity.
3 The inmate was acquainted with the victim and
4 that qualifies under prior relationship in that
5 the victim was involved in a personal
6 relationship with the prisoner. In this case,
7 his former wife. Which contributed to the
8 motivation for the act resulting in death. The
9 panel assessed 228 months for the base offense
10 and notes that this is the middle term in the
11 matrix. In this regard C-II. The panel also
12 found that the prisoner personally used a deadly
13 weapon, in this case a knife, in the commission
14 of the crime under Penal Code Section 12022(b)
15 and accordingly assessed the following one-half
16 of 12 months, which is 6 months. The total term
17 is calculated at 228 months for the base term, 6
18 months for the weapon, for the total term of 234
19 months. The time credit from 11/2/1988 to
20 5/31/2006 is 68 months for a total period of
21 confinement being at 166 months. Special
22 conditions of parole. The following special
23 conditions of parole are hereby imposed. You
24 will not use alcoholic beverages. You will
25 submit to alcohol testing whenever required.
26 You will submit to anti-narcotic testing
27 **SYLVESTER STRONG D-99287 DECISION PAGE 9 05/31/06**

1 whenever required. You will submit to THC
2 testing, this is for marijuana, whenever
3 required. You will participate in a substance
4 abuse program such as AA or NA as directed by
5 your parole officer. You will attend parole
6 outpatient clinics as directed by your parole
7 officer. You will have no contact with the
8 victim's family without the parole officer's
9 approval.

10 (Off the record.)

11 **DEPUTY COMMISSIONER MOORE:** We are back
12 on the record at 12 until 8.

13 **PRESIDING COMMISSIONER INGLEE:**

14 Mr. Strong, this is your first step. You know
15 that this still has to be approved. You're
16 reviewed by and eventually approved by the
17 Governor. Let me suggest to you, you can handle
18 this the way you like. But my limited
19 background in this area has taught me over time
20 to warn prisoners about going off and becoming
21 too vocal about the fact that they just got a
22 parole. I have heard, I can't tell you that I
23 actually experienced it or known somebody
24 specifically but I have heard that at times
25 sometimes prisoners who don't possibly will not
26 have a friend who might do something to

1 aggravate them and possibly cause them to be in
2 some type of altercation. I would just avoid
3 this. This is a personal observation and not an
4 order, okay.

5 **INMATE STRONG:** Yes sir.

6 **PRESIDING COMMISSIONER INGLEE:** Again,
7 lots of luck. You deserve, you deserve the
8 opportunity for parole and we certainly hope
9 that you get it.

10 **INMATE STRONG:** Okay. I'd like to thank
11 both the panel members.

12 **DEPUTY COMMISSIONER MOORE:** May I offer
13 some comments, Commissioner?

14 **PRESIDING COMMISSIONER INGLEE:**

15 Certainly, (inaudible).

16 **DEPUTY COMMISSIONER MOORE:** Mr. Strong.

17 **INMATE STRONG:** Yes ma'am.

18 **DEPUTY COMMISSIONER MOORE:** The process
19 of review is still in existence, as Commissioner
20 Inglee has said. This isn't a done deal. Be
21 patient. You have to go to work tomorrow don't
22 you?

23 **INMATE STRONG:** Yes ma'am.

24 **DEPUTY COMMISSIONER MOORE:** And you have
25 a lot to do. And any type of occurrence of a
115 or a 128 between now and when that date

1 comes could affect all of this completely and
2 totally. I want to talk to you about NA. The
3 first place you go if released is where?

4 **INMATE STRONG:** To NA.

5 **DEPUTY COMMISSIONER MOORE:** Now that was
6 a trick question. The first place you go is
7 your parole.

8 **INMATE STRONG:** Oh, yeah, yeah.

9 **DEPUTY COMMISSIONER MOORE:** You report to
10 parole.

11 **INMATE STRONG:** Yeah, yeah.

12 **DEPUTY COMMISSIONER MOORE:** The second
13 place you're probably going to go is see your
14 mom.

15 **INMATE STRONG:** Yes.

16 **DEPUTY COMMISSIONER MOORE:** The third
17 place you're going to go is to an NA meeting.

18 **ATTORNEY LEWIS:** He's married.

19 **DEPUTY COMMISSIONER MOORE:** The third
20 place he's going to go is to an NA meeting.
21 Before he continues his relationship on the
22 outside.

23 **INMATE STRONG:** I agree with you.

24 **DEPUTY COMMISSIONER MOORE:** Good answer.

25 Within the first 10 to 14 days, in which you
26 will probably have attended 10 to 14 NA

1 meetings, you are to get a sponsor. Your parole
2 agent will be all over you on that.

3 **INMATE STRONG:** Yes ma'am.

4 **DEPUTY COMMISSIONER MOORE:** It has to be
5 a man who is working the steps, who is clean and
6 sober, who has a job. You might want to look
7 for one that's married. Because wives, spouses,
8 family members can make you crazy when you're an
9 addict. And you have to live life one day at a
10 time with them. Find a man who has done that as
11 you work the steps with that man. I wish you
12 the best of luck. There's a lot of challenges
13 in front of you. The world has changed somewhat
14 since your incarceration. And I wish you good
15 luck.

16 **INMATE STRONG:** Thank you very much.

17 **PRESIDING COMMISSIONER INGLEE:** We do
18 have one more thing to do that I omitted. And
19 that is in regard to the last psychological
20 report and I want to make an update to that.
21 The last psychological report was done by S.
22 Sexton, Ph.D. That date is 10/11/2004. In this
23 regard Dr. Sexton states that inmate Strong's
24 diagnosis has changed somewhat from previous
25 reports. Although it was reported that the
26 inmate engaged in adult antisocial behavior
27 **SYLVESTER STRONG D-99287 DECISION PAGE 13 05/31/06**

1 there is no indication of that at this time.

2 For that reason this diagnosis has been removed.

3 In the past the inmate has been given a

4 diagnosis of cocaine abuse in institutional

5 remission. Unfortunately most institutions have

6 drugs readily available for inmates who wish to

7 abuse them. It is clear that this inmate has

8 chosen not to abuse cocaine. Not because he

9 does not have the availability but he no longer

10 wishes to abuse it. This is also true of

11 cannabis abuse. As a result both of these

12 diagnoses will be dropped. In the assessment of

13 dangerousness, all the above factors have been

14 taken into account. It is significant that the

15 inmate is currently 50 years of age and has

16 remained CDC 115-free for approximately 11

17 years. This combined with the nearly 35 self-

18 help programs that he has attended while

19 incarcerated and his limited yet significant

20 arrest history it is clear that the inmate's

21 aggressive behavior is changing for the better.

22 As a result, when the inmate's violence

23 potential is compared to those of inmates with

24 whom he resides it is considered to be below

25 average. Inmate Strong has no assaultive

26 history with the Department of Corrections. It

27 **SYLVESTER STRONG D-99287 DECISION PAGE 14 05/31/06**

1 is somewhat difficult to predict the probability
2 of aggressive behavior in the community. As
3 people mature and change, behavior that they
4 once found acceptable becomes unacceptable.
5 What can be said is that as compared to the
6 average parolee in the community this inmate is
7 much less likely to be violent while on parole,
8 due in part to his age, greater maturity and
9 substance-free intellect. He appears to have no
10 more violence potential than the average male in
11 the general population of equal age. There are
12 no current precursors that would predict an
13 increase in violence potential in the community.
14 Substance abuse would clearly indicate that
15 potential but it does not appear that substance
16 abuse is currently a problem with this inmate.
17 Nor is it anticipated that it will be an issue
18 for him when he is placed on parole. As inmate
19 Strong has participated in numerous self-help
20 programs no current recommendation can be given
21 in this area. He has participated in most other
22 programs available in the CDC and he appears to
23 have reached maximum benefit. If given the
24 opportunity to parole his prognosis is very
25 good. Signed S. Sexton, Ph.D., consulting
26 psychiatrist, Correctional Training Facility,
27 **SYLVESTER STRONG D-99287 DECISION PAGE 15 05/31/06**

1 Soledad. Mr. Strong, good luck.

2 **INMATE STRONG:** Thank you sir.

3 **PRESIDING COMMISSIONER INGLEE:**

4 Certainly.

5 **INMATE STRONG:** Thank you, Ms. Moore.

6 **DEPUTY COMMISSIONER MOORE:** Good luck to
7 you sir.

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22 **PENDING REVIEW
AND APPROVAL**

23 **PAROLE GRANTED**

24 **THIS DECISION WILL BE FINAL ON: _____**

25 **YOU WILL BE PROMPTLY NOTIFIED, IF PRIOR TO THAT
DATE, THE DECISION IS MODIFIED.**

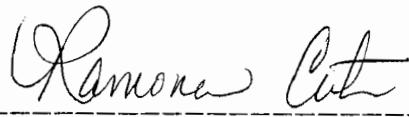
27 **SYLVESTER STRONG D-99287 DECISION PAGE 16 05/31/06**

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DECLARATION OF TRANSCRIBER

I, RAMONA COTA, a duly designated transcriber, PETERS SHORTHAND REPORTING, do hereby declare and certify under penalty of perjury that I have transcribed tape(s) which total two in number and cover a total of pages numbered 1 - 114, and which recording was duly recorded at CORRECTIONAL TRAINING FACILITY, SOLEDAD, CALIFORNIA, in the matter of the SUBSEQUENT PAROLE CONSIDERATION HEARING OF SYLVESTER STRONG, CDC NO. D-99287, on MAY 31, 2006, and that the foregoing pages constitute a true, complete, and accurate transcription of the aforementioned tape to the best of my ability.

I hereby certify that I am a disinterested party in the above-mentioned matter and have no interest in the outcome of the hearing.

Dated June 8, 2006, at Sacramento County, California.



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